



PRELIMINARY DRAFT

No. 3368

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Description of political subdivisions. Adjusting census numbers in statutes. Changes population parameters in various statutes to reflect the population count determined under the 2010 decennial census. Substitutes names for population parameters in the following types of statutes: (1) Statutes legalizing certain actions of particular political subdivisions. (2) Statutes that have been challenged unsuccessfully as special or local legislation. (3) Statutes reserving certain powers to certain political subdivisions at the time of recodification of laws relating to political subdivisions. Resolves a conflict in the statute that defines the classes of cities to provide that a city becomes a first class city when the city attains a population of 600,000.

Effective: April 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-6-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a board is established in each county of the state known as the (name of county) county election board.

(b) A county election board is not established in the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)**.

SECTION 2. IC 3-6-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)**.

SECTION 3. IC 3-8-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

(1) Judge of a city court in a city located in a county having a population of more than two hundred **fifty** thousand (~~200,000~~) **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand (~~300,000~~) **(270,000)**.

(2) Judge of a town court.

(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

SECTION 4. IC 3-8-1-28.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 28.5. (a) This section



does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred **fifty thousand (200,000) (250,000)** but less than ~~three two hundred seventy thousand (300,000): (270,000).~~

(b) A candidate for the office of judge of a city court must reside in the city upon filing **any of the following:**

(1) A declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2.

(2) A petition of nomination under IC 3-8-6. ~~or~~

(3) A certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-35-5-7(c). Before a candidate for the office of judge of the court may file a:

(1) declaration of candidacy or petition of nomination;

(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or

(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 5. IC 3-10-6-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section does not apply to a town located wholly or partially within a county having a consolidated city unless the town has a population of more than one thousand (1,000) but less than one thousand ~~five four hundred (1,500): (1,400).~~

(b) This section applies to a town that has not adopted an ordinance:

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

(c) Notwithstanding IC 3-10-6-6, a town may adopt an ordinance during the year preceding a municipal election conducted under section 2 of this chapter prescribing the length of the term of office for town legislative body members elected in the municipal election.

(d) The ordinance must provide that:

(1) no more than fifty percent (50%) of the members will be elected for terms of three (3) years beginning at noon January 1 following the municipal election under section 2 of this chapter; and

(2) the remainder of the members will be elected for terms of four (4) years beginning at noon January 1 following the election.

SECTION 6. IC 3-10-7-2.5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) This section
 2 does not apply to a town located wholly or partially within a county
 3 having a consolidated city unless the town has a population of more
 4 than one thousand (1,000) but less than one thousand ~~five~~ **four** hundred
 5 (~~1,500~~): **(1,400)**.

6 (b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town
 7 has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal
 8 on September 1, 1981) or P.L.13-1982, SECTION 3 (before its
 9 expiration on January 1, 1988).

10 SECTION 7. IC 4-10-18-10, AS AMENDED BY P.L.197-2011,
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 APRIL 1, 2012]: Sec. 10. (a) The state board of finance may lend
 13 money from the fund to entities listed in subsections (e) through (k) for
 14 the purposes specified in those subsections.

15 (b) An entity must apply for the loan before May 1, 1989, in a form
 16 approved by the state board of finance. As part of the application, the
 17 entity shall submit a plan for its use of the loan proceeds and for the
 18 repayment of the loan. Within sixty (60) days after receipt of each
 19 application, the board shall meet to consider the application and to
 20 review its accuracy and completeness and to determine the need for the
 21 loan. The board shall authorize a loan to an entity that makes an
 22 application if the board approves its accuracy and completeness and
 23 determines that there is a need for the loan and an adequate method of
 24 repayment.

25 (c) The state board of finance shall determine the terms of each
 26 loan, which must include the following:

27 (1) The duration of the loan, which must not exceed twelve (12)
 28 years.

29 (2) The repayment schedule of the loan, which must provide that
 30 no payments are due during the first two (2) years of the loan.

31 (3) A variable rate of interest to be determined by the board and
 32 adjusted annually. The interest rate must be the greater of:

33 (A) five percent (5%); or

34 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week
 35 United States Treasury bills on the anniversary date of the
 36 loan, but not to exceed ten percent (10%).

37 (4) The amount of the loan or loans, which may not exceed the
 38 maximum amounts established for the entity by this section.

39 (5) Any other conditions specified by the board.

40 (d) An entity may borrow money under this section by adoption of
 41 an ordinance or a resolution and, as set forth in IC 5-1-14, may use any
 42 source of revenue to repay a loan under this section. This section
 43 constitutes complete authority for the entity to borrow from the fund.
 44 If an entity described in subsection (i) fails to make any repayments of
 45 a loan, the amount payable shall be withheld by the auditor of state
 46 from any other money payable to the consolidated city. If any other



entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than ~~twenty-four~~ **twenty-five** thousand ~~(24,000)~~ **(25,000)** but less than twenty-five thousand ~~(25,000)~~ **eight hundred (25,800)** for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars (\$1,600,000).

(f) A loan under this section may be made to a city the territory of which is included in part within the Lake Michigan corridor (as defined in IC 14-13-3-2, before its repeal) for a marina development project. As a part of its application under subsection (b), the city must include the following:

(1) Written approval by the Lake Michigan marina development commission of the project to be funded by the loan proceeds.

(2) A written determination by the commission of the amount needed by the city, for the project and of the amount of the maximum loan amount under this subsection that should be lent to the city.

The maximum amount of loans available for all cities that are eligible for a loan under this subsection is eight million six hundred thousand dollars (\$8,600,000).

(g) A loan under this section may be made to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)** for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars (\$7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic growth in the county.

(h) A loan under this section may be made to a city having a population of more than ~~fifty-nine~~ **sixty** thousand ~~(59,000)~~ **(60,000)** but less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred (59,700)~~ **(65,000)** for the construction of parking facilities. The amount of the loan may not exceed three million dollars (\$3,000,000).

(i) A loan or loans under this section may be made to a consolidated city, a local public improvement bond bank, or any board, authority, or commission of the consolidated city to fund economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic development projects. The amount of the loan may not exceed thirty million dollars (\$30,000,000).

(j) A loan under this section may be made to a county having a population of more than thirteen thousand ~~five hundred (13,500)~~ **(13,000)** but less than fourteen thousand (14,000) for extension of



1 airport runways. The amount of the loan may not exceed three hundred
2 thousand dollars (\$300,000).

3 (k) A loan under this section may be made to Covington Community
4 School Corporation to refund the amount due on a tax anticipation
5 warrant loan. The amount of the loan may not exceed two million seven
6 hundred thousand dollars (\$2,700,000), to be paid back from any
7 source of money that is legally available to the school corporation.
8 Notwithstanding subsection (b), the school corporation must apply for
9 the loan before June 30, 2010. Notwithstanding subsection (c),
10 repayment of the loan shall be made in equal installments over five (5)
11 years with the first installment due not more than six (6) months after
12 the date loan proceeds are received by the school corporation.

13 (l) IC 6-1.1-20 does not apply to a loan made by an entity under this
14 section.

15 (m) As used in this section, "entity" means a governmental entity
16 authorized to obtain a loan under subsections (e) through (k).

17 SECTION 8. IC 4-33-12-6, AS AMENDED BY P.L.96-2010,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 APRIL 1, 2012]: Sec. 6. (a) The department shall place in the state
20 general fund the tax revenue collected under this chapter.

21 (b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7,
22 the treasurer of state shall quarterly pay the following amounts:

23 (1) Except as provided in subsection (k), one dollar (\$1) of the
24 admissions tax collected by the licensed owner for each person
25 embarking on a gambling excursion during the quarter or
26 admitted to a riverboat that has implemented flexible scheduling
27 under IC 4-33-6-21 during the quarter shall be paid to:

28 (A) the city in which the riverboat is docked, if the city:

- 29 (i) is located in a county having a population of more than
30 one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**) but
31 less than one hundred fifteen thousand (115,000); or
32 (ii) is contiguous to the Ohio River and is the largest city in
33 the county; and

34 (B) the county in which the riverboat is docked, if the
35 riverboat is not docked in a city described in clause (A).

36 (2) Except as provided in subsection (k), one dollar (\$1) of the
37 admissions tax collected by the licensed owner for each person:

38 (A) embarking on a gambling excursion during the quarter; or

39 (B) admitted to a riverboat during the quarter that has
40 implemented flexible scheduling under IC 4-33-6-21;

41 shall be paid to the county in which the riverboat is docked. In the
42 case of a county described in subdivision (1)(B), this one dollar
43 (\$1) is in addition to the one dollar (\$1) received under
44 subdivision (1)(B).

45 (3) Except as provided in subsection (k), ten cents (\$0.10) of the
46 admissions tax collected by the licensed owner for each person:



- 1 (A) embarking on a gambling excursion during the quarter; or
 2 (B) admitted to a riverboat during the quarter that has
 3 implemented flexible scheduling under IC 4-33-6-21;
 4 shall be paid to the county convention and visitors bureau or
 5 promotion fund for the county in which the riverboat is docked.
 6 (4) Except as provided in subsection (k), fifteen cents (\$0.15) of
 7 the admissions tax collected by the licensed owner for each
 8 person:
 9 (A) embarking on a gambling excursion during the quarter; or
 10 (B) admitted to a riverboat during a quarter that has
 11 implemented flexible scheduling under IC 4-33-6-21;
 12 shall be paid to the state fair commission, for use in any activity
 13 that the commission is authorized to carry out under IC 15-13-3.
 14 (5) Except as provided in subsection (k), ten cents (\$0.10) of the
 15 admissions tax collected by the licensed owner for each person:
 16 (A) embarking on a gambling excursion during the quarter; or
 17 (B) admitted to a riverboat during the quarter that has
 18 implemented flexible scheduling under IC 4-33-6-21;
 19 shall be paid to the division of mental health and addiction. The
 20 division shall allocate at least twenty-five percent (25%) of the
 21 funds derived from the admissions tax to the prevention and
 22 treatment of compulsive gambling.
 23 (6) Except as provided in subsection (k) and section 7 of this
 24 chapter, sixty-five cents (\$0.65) of the admissions tax collected by
 25 the licensed owner for each person embarking on a gambling
 26 excursion during the quarter or admitted to a riverboat during the
 27 quarter that has implemented flexible scheduling under
 28 IC 4-33-6-21 shall be paid to the Indiana horse racing commission
 29 to be distributed as follows, in amounts determined by the Indiana
 30 horse racing commission, for the promotion and operation of
 31 horse racing in Indiana:
 32 (A) To one (1) or more breed development funds established
 33 by the Indiana horse racing commission under IC 4-31-11-10.
 34 (B) To a racetrack that was approved by the Indiana horse
 35 racing commission under IC 4-31. The commission may make
 36 a grant under this clause only for purses, promotions, and
 37 routine operations of the racetrack. No grants shall be made
 38 for long term capital investment or construction, and no grants
 39 shall be made before the racetrack becomes operational and is
 40 offering a racing schedule.
 41 (c) With respect to tax revenue collected from a riverboat located in
 42 a historic hotel district, the treasurer of state shall quarterly pay the
 43 following:
 44 (1) With respect to admissions taxes collected for a person
 45 admitted to the riverboat before July 1, 2010, the following
 46 amounts:



(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~ **forty-two** thousand ~~(40,000)~~ **(42,000)** for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand ~~two hundred (2,200)~~ **(2,000)** but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand



(20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located; and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(i) Job creation and retention.

(ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(iii) Housing.

(iv) Workforce training.

(v) Health care.

(vi) Local planning.

(vii) Land use.

(viii) Assistance to regional economic development groups.

(ix) Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:



(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in subdivision (1)(A)(i).

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii).

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used in the manner described in subdivision (1)(G).

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or



(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k) and section 7 of this chapter, sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse



1 racing commission under IC 4-31. The commission may make
 2 a grant under this clause only for purses, promotions, and
 3 routine operations of the racetrack. No grants shall be made
 4 for long term capital investment or construction, and no grants
 5 shall be made before the racetrack becomes operational and is
 6 offering a racing schedule.

7 (e) Money paid to a unit of local government under subsection (b),
 8 (c), or (d):

9 (1) must be paid to the fiscal officer of the unit and may be
 10 deposited in the unit's general fund or riverboat fund established
 11 under IC 36-1-8-9, or both;

12 (2) may not be used to reduce the unit's maximum levy under
 13 IC 6-1.1-18.5 but may be used at the discretion of the unit to
 14 reduce the property tax levy of the unit for a particular year;

15 (3) may be used for any legal or corporate purpose of the unit,
 16 including the pledge of money to bonds, leases, or other
 17 obligations under IC 5-1-14-4; and

18 (4) is considered miscellaneous revenue.

19 (f) Money paid by the treasurer of state under subsection (b)(3) or
 20 (d)(3) shall be:

21 (1) deposited in:

22 (A) the county convention and visitor promotion fund; or

23 (B) the county's general fund if the county does not have a
 24 convention and visitor promotion fund; and

25 (2) used only for the tourism promotion, advertising, and
 26 economic development activities of the county and community.

27 (g) Money received by the division of mental health and addiction
 28 under subsections (b)(5) and (d)(6):

29 (1) is annually appropriated to the division of mental health and
 30 addiction;

31 (2) shall be distributed to the division of mental health and
 32 addiction at times during each state fiscal year determined by the
 33 budget agency; and

34 (3) shall be used by the division of mental health and addiction
 35 for programs and facilities for the prevention and treatment of
 36 addictions to drugs, alcohol, and compulsive gambling, including
 37 the creation and maintenance of a toll free telephone line to
 38 provide the public with information about these addictions. The
 39 division shall allocate at least twenty-five percent (25%) of the
 40 money received to the prevention and treatment of compulsive
 41 gambling.

42 (h) This subsection applies to the following:

43 (1) Each entity receiving money under subsection (b).

44 (2) Each entity receiving money under subsection (d)(1) through
 45 (d)(2).

46 (3) Each entity receiving money under subsection (d)(5) through



1 (d)(7).

2 The treasurer of state shall determine the total amount of money paid
3 by the treasurer of state to an entity subject to this subsection during
4 the state fiscal year 2002. The amount determined under this subsection
5 is the base year revenue for each entity subject to this subsection. The
6 treasurer of state shall certify the base year revenue determined under
7 this subsection to each entity subject to this subsection.

8 (i) This subsection applies to an entity receiving money under
9 subsection (d)(3) or (d)(4). The treasurer of state shall determine the
10 total amount of money paid by the treasurer of state to the entity
11 described in subsection (d)(3) during state fiscal year 2002. The
12 amount determined under this subsection multiplied by nine-tenths
13 (0.9) is the base year revenue for the entity described in subsection
14 (d)(3). The amount determined under this subsection multiplied by
15 one-tenth (0.1) is the base year revenue for the entity described in
16 subsection (d)(4). The treasurer of state shall certify the base year
17 revenue determined under this subsection to each entity subject to this
18 subsection.

19 (j) This subsection does not apply to an entity receiving money
20 under subsection (c). For state fiscal years beginning after June 30,
21 2002, the total amount of money distributed to an entity under this
22 section during a state fiscal year may not exceed the entity's base year
23 revenue as determined under subsection (h) or (i). If the treasurer of
24 state determines that the total amount of money distributed to an entity
25 under this section during a state fiscal year is less than the entity's base
26 year revenue, the treasurer of state shall make a supplemental
27 distribution to the entity under IC 4-33-13-5(g).

28 (k) This subsection does not apply to an entity receiving money
29 under subsection (c). For state fiscal years beginning after June 30,
30 2002, the treasurer of state shall pay that part of the riverboat
31 admissions taxes that:

32 (1) exceeds a particular entity's base year revenue; and

33 (2) would otherwise be due to the entity under this section;

34 to the state general fund instead of to the entity.

35 SECTION 9. IC 4-33-13-5, AS AMENDED BY P.L.96-2010,
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 APRIL 1, 2012]: Sec. 5. (a) This subsection does not apply to tax
38 revenue remitted by an operating agent operating a riverboat in a
39 historic hotel district. After funds are appropriated under section 4 of
40 this chapter, each month the treasurer of state shall distribute the tax
41 revenue deposited in the state gaming fund under this chapter to the
42 following:

43 (1) The first thirty-three million dollars (\$33,000,000) of tax
44 revenues collected under this chapter shall be set aside for
45 revenue sharing under subsection (e).

46 (2) Subject to subsection (c), twenty-five percent (25%) of the



1 remaining tax revenue remitted by each licensed owner shall be
2 paid:

3 (A) to the city that is designated as the home dock of the
4 riverboat from which the tax revenue was collected, in the case
5 of:

6 (i) a city described in IC 4-33-12-6(b)(1)(A); or

7 (ii) a city located in a county having a population of more
8 than four hundred thousand (400,000) but less than seven
9 hundred thousand (700,000); or

10 (B) to the county that is designated as the home dock of the
11 riverboat from which the tax revenue was collected, in the case
12 of a riverboat whose home dock is not in a city described in
13 clause (A).

14 (3) Subject to subsection (d), the remainder of the tax revenue
15 remitted by each licensed owner shall be paid to the state general
16 fund. In each state fiscal year, the treasurer of state shall make the
17 transfer required by this subdivision not later than the last
18 business day of the month in which the tax revenue is remitted to
19 the state for deposit in the state gaming fund. However, if tax
20 revenue is received by the state on the last business day in a
21 month, the treasurer of state may transfer the tax revenue to the
22 state general fund in the immediately following month.

23 (b) This subsection applies only to tax revenue remitted by an
24 operating agent operating a riverboat in a historic hotel district. After
25 funds are appropriated under section 4 of this chapter, each month the
26 treasurer of state shall distribute the tax revenue remitted by the
27 operating agent under this chapter as follows:

28 (1) Thirty-seven and one-half percent (37.5%) shall be paid to the
29 state general fund.

30 (2) Nineteen percent (19%) shall be paid to the West Baden
31 Springs historic hotel preservation and maintenance fund
32 established by IC 36-7-11.5-11(b). However, at any time the
33 balance in that fund exceeds twenty million dollars
34 (\$20,000,000), the amount described in this subdivision shall be
35 paid to the state general fund.

36 (3) Eight percent (8%) shall be paid to the Orange County
37 development commission established under IC 36-7-11.5.

38 (4) Sixteen percent (16%) shall be paid in equal amounts to each
39 town that is located in the county in which the riverboat is located
40 and contains a historic hotel. The following apply to taxes
41 received by a town under this subdivision:

42 (A) At least twenty-five percent (25%) of the taxes must be
43 transferred to the school corporation in which the town is
44 located.

45 (B) At least twelve and five-tenths percent (12.5%) of the
46 taxes imposed on adjusted gross receipts received after June



- 1 30, 2010, must be transferred to the Orange County
2 development commission established by IC 36-7-11.5-3.5.
- 3 (5) Nine percent (9%) shall be paid to the county treasurer of the
4 county in which the riverboat is located. The county treasurer
5 shall distribute the money received under this subdivision as
6 follows:
- 7 (A) Twenty-two and twenty-five hundredths percent (22.25%)
8 shall be quarterly distributed to the county treasurer of a
9 county having a population of more than ~~thirty-nine~~ **forty**
10 thousand ~~six hundred (39,600)~~ **(40,000)** but less than ~~forty~~
11 **forty-two** thousand ~~(40,000)~~ **(42,000)** for appropriation by the
12 county fiscal body after receiving a recommendation from the
13 county executive. The county fiscal body for the receiving
14 county shall provide for the distribution of the money received
15 under this clause to one (1) or more taxing units (as defined in
16 IC 6-1.1-1-21) in the county under a formula established by
17 the county fiscal body after receiving a recommendation from
18 the county executive.
- 19 (B) Twenty-two and twenty-five hundredths percent (22.25%)
20 shall be quarterly distributed to the county treasurer of a
21 county having a population of more than ten thousand seven
22 hundred (10,700) but less than twelve thousand (12,000) for
23 appropriation by the county fiscal body after receiving a
24 recommendation from the county executive. The county fiscal
25 body for the receiving county shall provide for the distribution
26 of the money received under this clause to one (1) or more
27 taxing units (as defined in IC 6-1.1-1-21) in the county under
28 a formula established by the county fiscal body after receiving
29 a recommendation from the county executive.
- 30 (C) Fifty-five and five-tenths percent (55.5%) shall be retained
31 by the county in which the riverboat is located for
32 appropriation by the county fiscal body after receiving a
33 recommendation from the county executive.
- 34 (6) Five percent (5%) shall be paid to a town having a population
35 of more than two thousand ~~two hundred (2,200)~~ **(2,000)** but less
36 than three thousand five hundred (3,500) located in a county
37 having a population of more than nineteen thousand ~~three five~~
38 hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand
39 (20,000). At least forty percent (40%) of the taxes received by a
40 town under this subdivision must be transferred to the school
41 corporation in which the town is located.
- 42 (7) Five percent (5%) shall be paid to a town having a population
43 of more than three thousand five hundred (3,500) located in a
44 county having a population of more than nineteen thousand ~~three~~
45 **five** hundred ~~(19,300)~~ **(19,500)** but less than twenty thousand
46 (20,000). At least forty percent (40%) of the taxes received by a



town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the



town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.



(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies only to the Indiana horse racing commission. For each state fiscal year the amount of the Indiana horse racing commission's supplemental distribution under subsection (g) must be reduced by the amount required to comply with IC 4-33-12-7(a).

SECTION 10. IC 5-1-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to

(1) each county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(+70,000) (175,000)~~ but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(+80,000); (185,000);~~ and

(2) each second class city located in ~~such~~ a county **described in subdivision (1).**

(b) As used in this section, "stadium" means a structure used for athletic, recreational, cultural, and community events.

(c) Notwithstanding any other law, a stadium constitutes a:

- (1) government building under IC 36-9-13;
- (2) structure under IC 36-1-10;
- (3) park purpose under IC 36-10-1;
- (4) park improvement under IC 36-10-4; and
- (5) redevelopment project or purpose under IC 36-7-14.

(d) Notwithstanding any other law, a legislative body of a city may levy a tax in the park district established under IC 36-10-4 to pay lease rentals to a lessor of a stadium under IC 36-1-10 or IC 36-9-13.

SECTION 11. IC 5-1.4-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. "City" refers to **any of the following:**

- (1) A consolidated city.
- (2) A ~~city of the~~ second class ~~or city.~~
- (3) A city having a population of more than ~~four~~ **five** thousand ~~six hundred fifty (4,650) (5,000)~~ but less than five thousand ~~(5,000); one hundred (5,100).~~

SECTION 12. IC 5-1.4-1-10, AS AMENDED BY P.L.1-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. "Qualified entity" means the following:

- (1) A city.
- (2) A county.
- (3) A special taxing district located wholly within a county.
- (4) Any entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.
- (5) A political subdivision (as defined in IC 36-1-2-13) that is located wholly within: a county:



- 1 (A) that has a population of:
- 2 (i) more than four hundred thousand (400,000) but less than
- 3 seven hundred thousand (700,000); or
- 4 (ii) more than two hundred **fifty** thousand ~~(200,000)~~
- 5 **(250,000)** but less than ~~three two~~ hundred **seventy** thousand
- 6 ~~(300,000);~~ **(270,000)**; or
- 7 (B) containing a city that:
- 8 (i) is described in section 5(3) of this chapter; and
- 9 (ii) has a public improvement bond bank under this article.
- 10 (6) A charter school established under IC 20-24 that is sponsored
- 11 by the executive of a consolidated city.
- 12 (7) Any authority created under IC 36 that leases land or facilities
- 13 to any qualified entity listed in subdivisions (1) through (6).
- 14 SECTION 13. IC 5-10.4-4-1, AS AMENDED BY P.L.2-2007,
- 15 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 APRIL 1, 2012]: Sec. 1. (a) The members of the fund include:
- 17 (1) legally qualified and regularly employed teachers in the public
- 18 schools;
- 19 (2) persons employed by a governing body, who were qualified
- 20 before their election or appointment;
- 21 (3) legally qualified and regularly employed teachers at Ball State
- 22 University, Indiana State University, University of Southern
- 23 Indiana, and Vincennes University;
- 24 (4) legally qualified and regularly employed teachers in a state
- 25 educational institution whose teachers devote their entire time to
- 26 teaching;
- 27 (5) legally qualified and regularly employed teachers in state
- 28 benevolent, charitable, or correctional institutions;
- 29 (6) legally qualified and regularly employed teachers in an
- 30 experimental school in a state university who teach elementary or
- 31 high school students;
- 32 (7) as determined by the board, certain instructors serving in a
- 33 state educational institution extension division not covered by a
- 34 state retirement law;
- 35 (8) employees and officers of the department of education and of
- 36 the fund who were qualified before their election or appointment;
- 37 (9) a person who:
- 38 (A) is employed as a nurse appointed under IC 20-34-3-6 by
- 39 a school corporation located in a city having a population of
- 40 more than ~~ninety eighty~~ thousand ~~(90,000)~~ **(80,000)** but less
- 41 than ~~one hundred five eighty~~ thousand ~~(105,000)~~; **four**
- 42 **hundred (80,400)**; and
- 43 (B) participated in the fund before December 31, 1991, in the
- 44 position described in clause (A); and
- 45 (10) persons who are employed by the fund.
- 46 (b) Teachers in any state institution who accept the benefits of a



1 state supported retirement benefit system comparable to the fund's
 2 benefits may not come under the fund unless permitted by law or the
 3 rules of the board.

4 (c) The members of the fund do not include substitute teachers who
 5 have not obtained an associate degree or a baccalaureate degree.

6 SECTION 14. IC 5-13-9-2, AS AMENDED BY P.L.115-2010,
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 APRIL 1, 2012]: Sec. 2. (a) Each officer designated in section 1 of this
 9 chapter may invest or reinvest any funds that are held by the officer and
 10 available for investment in any of the following:

11 (1) Securities backed by the full faith and credit of the United
 12 States Treasury or fully guaranteed by the United States and
 13 issued by any of the following:

14 (A) The United States Treasury.

15 (B) A federal agency.

16 (C) A federal instrumentality.

17 (D) A federal government sponsored enterprise.

18 (2) Securities fully guaranteed and issued by any of the following:

19 (A) A federal agency.

20 (B) A federal instrumentality.

21 (C) A federal government sponsored enterprise.

22 (3) Municipal securities issued by an Indiana local governmental
 23 entity, a quasi-governmental entity related to the state, or a unit of
 24 government, municipal corporation, or special taxing district in
 25 Indiana, if the issuer has not defaulted on any of the issuer's
 26 obligations within the twenty (20) years preceding the date of the
 27 purchase.

28 (b) If an investment under subsection (a)(1) is made at a cost in
 29 excess of the par value of the securities purchased, any premium paid
 30 for the securities shall be deducted from the first interest received and
 31 returned to the fund from which the investment was purchased, and
 32 only the net amount is considered interest income.

33 (c) The officer making the investment may sell any securities
 34 acquired and may do anything necessary to protect the interests of the
 35 funds invested, including the exercise of exchange privileges which
 36 may be granted with respect to maturing securities in cases where the
 37 new securities offered in exchange meet the requirements for initial
 38 investment.

39 (d) The investing officers of the political subdivisions are the legal
 40 custodians of securities under this chapter. They shall accept
 41 safekeeping receipts or other reporting for securities from:

42 (1) a duly designated depository as prescribed in this article; or

43 (2) a financial institution located either in or out of Indiana having
 44 custody of securities with a combined capital and surplus of at
 45 least ten million dollars (\$10,000,000) according to the last
 46 statement of condition filed by the financial institution with its



1 governmental supervisory body.

2 (e) The state board of accounts may rely on safekeeping receipts or
3 other reporting from any depository or financial institution.

4 (f) In addition to any other investments allowed under this chapter,
5 an officer of a conservancy district located in a city having a population
6 of more than ~~four five thousand six hundred fifty (4,650)~~ **(5,000)** but
7 less than five thousand ~~(5,000)~~ **one hundred (5,100)** may also invest
8 in:

9 (1) municipal securities; and

10 (2) equity securities;

11 having a stated final maturity of any number of years or having no
12 stated final maturity. The total investments outstanding under this
13 subsection may not exceed twenty-five percent (25%) of the total
14 portfolio of funds invested by the officer of a conservancy district.
15 However, an investment that complies with this subsection when the
16 investment is made remains legal even if a subsequent decrease in the
17 total portfolio invested by the officer of a conservancy district causes
18 the percentage of investments outstanding under this subsection to
19 exceed twenty-five percent (25%).

20 (g) In addition to any other investments allowed under this chapter,
21 a clerk-treasurer of a town with a population of more than ~~six five~~
22 ~~thousand three hundred (6,300)~~ **(5,000)** but less than ten thousand
23 (10,000) located in a county having a population of more than one
24 hundred ~~forty thousand (100,000)~~ **(140,000)** but less than one hundred
25 ~~five fifty thousand (105,000)~~ **(150,000)** may also invest money in a
26 host community agreement future fund established by ordinance of the
27 town in:

28 (1) municipal securities; and

29 (2) equity securities;

30 having a stated final maturity of any number of years or having no
31 stated final maturity. The total investments outstanding under this
32 subsection may not exceed twenty-five percent (25%) of the total
33 portfolio of funds invested by the clerk-treasurer of a town. However,
34 an investment that complies with this subsection when the investment
35 is made remains legal even if a subsequent decrease in the total
36 portfolio invested by the clerk-treasurer of a town causes the
37 percentage of investments outstanding under this subsection to exceed
38 twenty-five percent (25%).

39 SECTION 15. IC 5-13-9-5.6 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. Except for
41 investments allowed under section 2(f) or 2(g) of this chapter,
42 investments made under this chapter must have a stated final maturity
43 of not more than:

44 (1) five (5) years for a conservancy district located in a city
45 having a population of more than ~~four five thousand six hundred~~
46 ~~fifty (4,650)~~ **(5,000)** but less than five thousand ~~(5,000)~~; **one**



1 **hundred (5,100);**

2 (2) five (5) years for investments made from a host community
 3 agreement future fund established by ordinance of a town with a
 4 population of more than ~~six five~~ thousand ~~three hundred~~ (6,300)
 5 **(5,000)** but less than ten thousand (10,000) located in a county
 6 having a population of more than one hundred ~~forty~~ thousand
 7 ~~(100,000)~~ **(140,000)** but less than one hundred ~~five fifty~~ thousand
 8 ~~(105,000);~~ **(150,000);** or

9 (3) two (2) years for a fund or political subdivision not described
 10 in subdivision (1) or (2);

11 after the date of purchase or entry into a repurchase agreement.

12 SECTION 16. IC 6-1.1-10-15 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) The acquisition
 14 and improvement of land for use by the public as an airport and the
 15 maintenance of commercial passenger aircraft is a municipal purpose
 16 regardless of whether the airport or maintenance facility is owned or
 17 operated by a municipality. The owner of any airport located in this
 18 state, who holds a valid and current public airport certificate issued by
 19 the Indiana department of transportation, may claim an exemption for
 20 only so much of the land as is reasonably necessary to and used for
 21 public airport purposes. A person maintaining commercial passenger
 22 aircraft in a county having a population of:

23 **(1) more than two hundred fifty thousand** ~~(200,000)~~ **(250,000)**

24 **but less than two hundred seventy thousand (270,000); or**

25 **(2) more than three hundred thousand (300,000)** but less than
 26 four hundred thousand (400,000);

27 may claim an exemption for commercial passenger aircraft not subject
 28 to the aircraft excise tax under IC 6-6-6.5 that is being assessed under
 29 this article, if it is located in the county only for the purposes of
 30 maintenance.

31 (b) The exemption provided by this section is noncumulative and
 32 applies only to property that would not otherwise be exempt. Nothing
 33 contained in this section applies to or affects any other tax exemption
 34 provided by law.

35 (c) As used in this section, "land used for public airport purposes"
 36 includes the following:

37 (1) That part of airport land used for the taking off or landing of
 38 aircraft, taxiways, runway and taxiway lighting, access roads, auto
 39 and aircraft parking areas, and all buildings providing basic
 40 facilities for the traveling public.

41 (2) Real property owned by the airport owner and used directly
 42 for airport operation and maintenance purposes.

43 (3) Real property used in providing for the shelter, storage, or care
 44 of aircraft, including hangars.

45 (4) Housing for weather and signaling equipment, navigational
 46 aids, radios, or other electronic equipment.



1 The term does not include land areas used solely for purposes unrelated
2 to aviation.

3 SECTION 17. IC 6-1.1-10-16.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16.5. (a) This section
5 applies to real property located in **either of** the following:

6 (1) A county having a population of more than twenty thousand
7 (20,000) but less than twenty thousand ~~three five~~ hundred
8 ~~(20,300): (20,500).~~

9 (2) A county having a population of more than ~~twenty-five~~
10 **twenty-four** thousand ~~(25,000) five hundred (24,500)~~ but less
11 than twenty-five thousand ~~five hundred (25,500): (25,000).~~

12 (b) A tract of real property owned by a nonprofit public benefit
13 corporation (as defined in IC 23-17-2-23) is exempt from property
14 taxation if all of the following apply:

15 (1) The tract is located:

16 (A) under a lake or reservoir; or

17 (B) adjacent to a lake or reservoir.

18 (2) The lake or reservoir under which or adjacent to which the
19 tract is located was formed by a dam or control structure owned
20 and operated by a public utility for the generation of hydroelectric
21 power.

22 (3) The public benefit corporation that owns the tract is exempt
23 from federal income taxation under Section 501(c)(3) of the
24 Internal Revenue Code and has maintained its tax exempt status
25 for the previous three (3) years.

26 (4) The public benefit corporation that owns the tract is primarily
27 engaged in active efforts to protect and enhance the environment
28 and water quality of the lake or reservoir under which or adjacent
29 to which the tract is located in order to facilitate the public
30 recreational use of the lake or reservoir.

31 (c) A tract of real property owned by a nonprofit public benefit
32 corporation described in subsection (b) is exempt from property
33 taxation if the tract is used by the public benefit corporation in the
34 public benefit corporation's efforts to enhance the environment and
35 water quality of a lake or reservoir described in subsection (b).

36 SECTION 18. IC 6-1.1-12.1-2, AS AMENDED BY P.L.146-2008,
37 SECTION 121, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A designating body may find
39 that a particular area within its jurisdiction is an economic
40 revitalization area. However, the deduction provided by this chapter for
41 economic revitalization areas not within a city or town shall not be
42 available to retail businesses.

43 (b) In a county containing a consolidated city or within a city or
44 town, a designating body may find that a particular area within its
45 jurisdiction is a residentially distressed area. Designation of an area as
46 a residentially distressed area has the same effect as designating an



area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

(1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.

(2) Any dwellings in the area are not permanently occupied and are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

(A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or

(B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~ **(270,000)**, the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.

(2) A significant number of dwelling units within the area are:

(A) the subject of an order issued under IC 36-7-9; or

(B) evidencing significant building deficiencies.

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two**



1 hundred **seventy** thousand (~~300,000~~), (**270,000**), the designating body
 2 is only required to make one (1) of the additional findings described in
 3 this subsection as an alternative to one (1) of the additional findings
 4 described in subsection (b).

5 (d) A designating body is required to attach the following conditions
 6 to the grant of a residentially distressed area designation:

7 (1) The deduction will not be allowed unless the dwelling is
 8 rehabilitated to meet local code standards for habitability.

9 (2) If a designation application is filed, the designating body may
 10 require that the redevelopment or rehabilitation be completed
 11 within a reasonable period of time.

12 (e) To make a designation described in subsection (a) or (b), the
 13 designating body shall use procedures prescribed in section 2.5 of this
 14 chapter.

15 (f) The property tax deductions provided by section 3, 4.5, or 4.8 of
 16 this chapter are only available within an area which the designating
 17 body finds to be an economic revitalization area.

18 (g) The designating body may adopt a resolution establishing
 19 general standards to be used, along with the requirements set forth in
 20 the definition of economic revitalization area, by the designating body
 21 in finding an area to be an economic revitalization area. The standards
 22 must have a reasonable relationship to the development objectives of
 23 the area in which the designating body has jurisdiction. The following
 24 four (4) sets of standards may be established:

25 (1) One (1) relative to the deduction under section 3 of this
 26 chapter for economic revitalization areas that are not residentially
 27 distressed areas.

28 (2) One (1) relative to the deduction under section 3 of this
 29 chapter for residentially distressed areas.

30 (3) One (1) relative to the deduction allowed under section 4.5 of
 31 this chapter.

32 (4) One (1) relative to the deduction allowed under section 4.8 of
 33 this chapter.

34 (h) A designating body may impose a fee for filing a designation
 35 application for a person requesting the designation of a particular area
 36 as an economic revitalization area. The fee may be sufficient to defray
 37 actual processing and administrative costs. However, the fee charged
 38 for filing a designation application for a parcel that contains one (1) or
 39 more owner-occupied, single-family dwellings may not exceed the cost
 40 of publishing the required notice.

41 (i) In declaring an area an economic revitalization area, the
 42 designating body may:

43 (1) limit the time period to a certain number of calendar years
 44 during which the economic revitalization area shall be so
 45 designated;

46 (2) limit the type of deductions that will be allowed within the



economic revitalization area to the deduction allowed under section 3 of this chapter, the deduction allowed under section 4.5 of this chapter, the deduction allowed under section 4.8 of this chapter, or any combination of these deductions;

(3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;

(4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988;

(5) limit the dollar amount of the deduction that will be allowed under section 4.8 of this chapter with respect to the occupation of an eligible vacant building; or

(6) impose reasonable conditions related to the purpose of this chapter or to the general standards adopted under subsection (g) for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers, a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

(1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment installed on or before the approval deadline determined under section 9 of this chapter, but after the expiration of the economic revitalization area if:

(A) the economic revitalization area designation expires after December 30, 1995; and

(B) the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or

(2) limit the length of time a taxpayer is entitled to receive a



deduction to a number of years that is less than the number of years designated under section 4, 4.5, or 4.8 of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

(1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or

(2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) In addition to the other requirements of this chapter, if property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), a taxpayer's statement of benefits concerning that property may not be approved under this chapter unless a resolution approving the statement of benefits is adopted by the legislative body of the unit that approved the designation of the allocation area.

SECTION 19. IC 6-1.1-12.1-3, AS AMENDED BY P.L.99-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) An applicant must provide a statement of benefits to the designating body. If the designating body requires information from the applicant for economic revitalization area status for use in making its decision about whether to designate an economic revitalization area, the applicant shall provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the statement of benefits form must be submitted to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the proposed redevelopment or rehabilitation.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the redevelopment or rehabilitation and an estimate of the annual salaries of these individuals.

(3) An estimate of the value of the redevelopment or



1 rehabilitation.

2 With the approval of the designating body, the statement of benefits
3 may be incorporated in a designation application. Notwithstanding any
4 other law, a statement of benefits is a public record that may be
5 inspected and copied under IC 5-14-3-3.

6 (b) The designating body must review the statement of benefits
7 required under subsection (a). The designating body shall determine
8 whether an area should be designated an economic revitalization area
9 or whether a deduction should be allowed, based on (and after it has
10 made) the following findings:

11 (1) Whether the estimate of the value of the redevelopment or
12 rehabilitation is reasonable for projects of that nature.

13 (2) Whether the estimate of the number of individuals who will be
14 employed or whose employment will be retained can be
15 reasonably expected to result from the proposed described
16 redevelopment or rehabilitation.

17 (3) Whether the estimate of the annual salaries of those
18 individuals who will be employed or whose employment will be
19 retained can be reasonably expected to result from the proposed
20 described redevelopment or rehabilitation.

21 (4) Whether any other benefits about which information was
22 requested are benefits that can be reasonably expected to result
23 from the proposed described redevelopment or rehabilitation.

24 (5) Whether the totality of benefits is sufficient to justify the
25 deduction.

26 A designating body may not designate an area an economic
27 revitalization area or approve a deduction unless the findings required
28 by this subsection are made in the affirmative.

29 (c) Except as provided in subsections (a) through (b), the owner of
30 property which is located in an economic revitalization area is entitled
31 to a deduction from the assessed value of the property. If the area is a
32 residentially distressed area, the period is not more than five (5) years.
33 For all other economic revitalization areas designated before July 1,
34 2000, the period is three (3), six (6), or ten (10) years. For all economic
35 revitalization areas designated after June 30, 2000, the period is the
36 number of years determined under subsection (d). The owner is entitled
37 to a deduction if:

38 (1) the property has been rehabilitated; or

39 (2) the property is located on real estate which has been
40 redeveloped.

41 The owner is entitled to the deduction for the first year, and any
42 successive year or years, in which an increase in assessed value
43 resulting from the rehabilitation or redevelopment occurs and for the
44 following years determined under subsection (d). However, property
45 owners who had an area designated an urban development area
46 pursuant to an application filed prior to January 1, 1979, are only



entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

(1) Private or commercial golf course.

(2) Country club.

(3) Massage parlor.

(4) Tennis club.

(5) Skating facility (including roller skating, skateboarding, or ice skating).

(6) Racquet sport facility (including any handball or racquetball court).

(7) Hot tub facility.

(8) Suntan facility.

(9) Racetrack.

(10) Any facility the primary purpose of which is:

(A) retail food and beverage service;

(B) automobile sales or service; or

(C) other retail;

unless the facility is located in an economic development target area established under section 7 of this chapter.

(11) Residential, unless:

(A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and



- 1 moderate income individuals;
 2 (B) the facility is located in an economic development target
 3 area established under section 7 of this chapter; or
 4 (C) the area is designated as a residentially distressed area.
 5 (12) A package liquor store that holds a liquor dealer's permit
 6 under IC 7.1-3-10 or any other entity that is required to operate
 7 under a license issued under IC 7.1. This subdivision does not
 8 apply to an applicant that:
 9 (A) was eligible for tax abatement under this chapter before
 10 July 1, 1995;
 11 (B) is described in IC 7.1-5-7-11; or
 12 (C) operates a facility under:
 13 (i) a beer wholesaler's permit under IC 7.1-3-3;
 14 (ii) a liquor wholesaler's permit under IC 7.1-3-8; or
 15 (iii) a wine wholesaler's permit under IC 7.1-3-13;
 16 for which the applicant claims a deduction under this chapter.
 17 (f) This subsection applies only to a county having a population of
 18 more than two hundred thousand (200,000) but less than three hundred
 19 thousand (300,000). Notwithstanding subsection (e)(11); in a county
 20 subject to this subsection a designating body may, before September 1,
 21 2000; approve a deduction under this chapter for the redevelopment or
 22 rehabilitation of real property consisting of residential facilities that are
 23 located in unincorporated areas of the county if the designating body
 24 makes a finding that the facilities are needed to serve any combination
 25 of the following:
 26 (1) Elderly persons who are predominately low-income or
 27 moderate-income persons;
 28 (2) Persons with a disability.
 29 A designating body may adopt an ordinance approving a deduction
 30 under this subsection only one (1) time. This subsection expires
 31 January 1, 2011.
 32 SECTION 20. IC 6-1.1-12.1-4.7, AS AMENDED BY P.L.146-2008,
 33 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE APRIL 1, 2012]: Sec. 4.7. (a) Section 4.5(e) of this
 35 chapter does not apply to new manufacturing equipment located in a
 36 township having a population of more than four thousand (4,000) but
 37 less than seven thousand (7,000) located in a county having a
 38 population of more than ~~forty~~ **forty-two** thousand ~~(40,000)~~ **(42,000)**
 39 but less than ~~forty~~ **forty-two** thousand ~~nine three~~ hundred ~~(40,900)~~
 40 **(42,300)** if the total original cost of all new manufacturing equipment
 41 placed into service by the owner during the preceding sixty (60)
 42 months exceeds fifty million dollars (\$50,000,000), and if the
 43 economic revitalization area in which the new manufacturing
 44 equipment was installed was approved by the designating body before
 45 September 1, 1994.
 46 (b) Section 4.5(e) of this chapter does not apply to new



1 manufacturing equipment located in a county having a population of
 2 more than ~~thirty-two thousand (32,000)~~ **thirty-three thousand five hundred**
 3 **(33,500)** but less than ~~thirty-three thousand (33,000)~~ **thirty-four thousand (34,000)**
 4 **(34,000)** if:

5 (1) the total original cost of all new manufacturing equipment
 6 placed into service in the county by the owner exceeds five
 7 hundred million dollars (\$500,000,000); and

8 (2) the economic revitalization area in which the new
 9 manufacturing equipment was installed was approved by the
 10 designating body before January 1, 2001.

11 (c) A deduction under section 4.5(c) of this chapter is not allowed
 12 with respect to new manufacturing equipment described in subsection
 13 (b) in the first year the deduction is claimed or in subsequent years as
 14 permitted by section 4.5(c) of this chapter to the extent the deduction
 15 would cause the assessed value of all real property and personal
 16 property of the owner in the taxing district to be less than the
 17 incremental net assessed value for that year.

18 (d) The following apply for purposes of subsection (c):

19 (1) A deduction under section 4.5(c) of this chapter shall be
 20 disallowed only with respect to new manufacturing equipment
 21 installed after March 1, 2000.

22 (2) "Incremental net assessed value" means the sum of:

23 (A) the net assessed value of real property and depreciable
 24 personal property from which property tax revenues are
 25 required to be held in trust and pledged for the benefit of the
 26 owners of bonds issued by the redevelopment commission of
 27 a county described in subsection (b) under resolutions adopted
 28 November 16, 1998, and July 13, 2000 (as amended
 29 November 27, 2000); plus

30 (B) fifty-four million four hundred eighty-one thousand seven
 31 hundred seventy dollars (\$54,481,770).

32 (3) The assessed value of real property and personal property of
 33 the owner shall be determined after the deductions provided by
 34 sections 3 and 4.5 of this chapter.

35 (4) The personal property of the owner shall include inventory.

36 (5) The amount of deductions provided by section 4.5 of this
 37 chapter with respect to new manufacturing equipment that was
 38 installed on or before March 1, 2000, shall be increased from
 39 thirty-three and one-third percent (33 1/3%) of true tax value to
 40 one hundred percent (100%) of true tax value for assessment
 41 dates after February 28, 2001.

42 (e) A deduction not fully allowed under subsection (c) in the first
 43 year the deduction is claimed or in a subsequent year permitted by
 44 section 4.5 of this chapter shall be carried over and allowed as a
 45 deduction in succeeding years. A deduction that is carried over to a
 46 year but is not allowed in that year under this subsection shall be



carried over and allowed as a deduction in succeeding years. The following apply for purposes of this subsection:

(1) A deduction that is carried over to a succeeding year is not allowed in that year to the extent that the deduction, together with:

(A) deductions otherwise allowed under section 3 of this chapter;

(B) deductions otherwise allowed under section 4.5 of this chapter; and

(C) other deductions carried over to the year under this subsection;

would cause the assessed value of all real property and personal property of the owner in the taxing district to be less than the incremental net assessed value for that year.

(2) Each time a deduction is carried over to a succeeding year, the deduction shall be reduced by the amount of the deduction that was allowed in the immediately preceding year.

(3) A deduction may not be carried over to a succeeding year under this subsection if such year is after the period specified in section 4.5(c) of this chapter or the period specified in a resolution adopted by the designating body under section 4.5(g) of this chapter.

SECTION 21. IC 6-1.1-12.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to a town having a population of more than two thousand five hundred (2,500) located in a county having a population of more than twenty-seven thousand five hundred seventy-five (~~27,575~~) **(27,000)** but less than ~~twenty-nine~~ **twenty-eight** thousand (~~29,000~~): **(28,000)**.

(b) Notwithstanding sections 3 and 4.5 of this chapter, the submission of a statement of benefits to a designating body subsequent to the installation of new manufacturing equipment and the initiation of the rehabilitation or redevelopment of real estate and the designating body's retroactive approval of that statement of benefits are legalized and validated for 1993 and subsequent assessment years, subject to the limitations set forth in section 5(e) of this chapter.

SECTION 22. IC 6-1.1-12.9-1, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This section applies to a ~~municipality having a population of more than four thousand (4,000) but less than nine thousand (9,000) that is located in a county having a population of more than fifty thousand (50,000) but less than sixty thousand (60,000). Population data used in this subsection refers to population data reported by the 1990 federal decennial census: the town of Mooresville.~~

(b) Notwithstanding any other law, a designating body's actions taken after September 1, 1992, and before December 31, 1993, in:



- (1) designating an economic revitalization area; or
- (2) approving a statement of benefits after the initiation of the installation of new manufacturing equipment for which the person desires to claim a deduction under this chapter;

are legalized and validated.

SECTION 23. IC 6-1.1-12.9-3, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to rehabilitation or redevelopment that:

- (1) was initiated after January 1, 1993, and before January 1, 1994; and
- (2) is in ~~a the~~ city having a population of more than four thousand five hundred (4,500) located in a county having a population of more than twenty-four thousand eight hundred (24,800) but less than twenty-five thousand (25,000):

~~Population data used in this subsection refers to population data reported by the 1990 federal decennial census. of Rensselaer.~~

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding section IC 6-1.1-12.1-3 (as in effect before May 10, 1995), the:

- (1) designation or enlargement of an economic revitalization area;
- (2) submission of a statement of benefits; and
- (3) designating body's approval of the statement of benefits;

after the initiation of the rehabilitation or redevelopment for which a deduction is claimed under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated for deductions claimed for 1994 and subsequent assessment years.

SECTION 24. IC 6-1.1-12.9-5, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies to ~~a the~~ city having a population:

- ~~(1) of more than five thousand fifty (5,050) but less than five thousand one hundred (5,100); and~~
- ~~(2) as determined by the 1990 federal decennial census. of Winchester.~~

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before December 31, 1992) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken before May 31, 1992, in designating an economic revitalization area are legalized and validated.

(d) The installation of new manufacturing equipment after March 1, 1991, is eligible for the deduction provided under IC 6-1.1-12.1 (as in effect before December 31, 1992) for property taxes first due and payable after December 31, 1992, as granted by resolution adopted by the designating body for the economic revitalization area.



SECTION 25. IC 6-1.1-12.9-6, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies to a taxpayer that:

(1) is located in an economic revitalization area declared under IC 6-1.1-12.1 (as in effect before December 31, 1992) in ~~a the~~ city ~~having a population:~~

(A) ~~of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000); and~~

(B) ~~as determined by the 1990 federal decennial census; of East Chicago; and~~

(2) with respect to new manufacturing equipment installed by the taxpayer in the economic revitalization area after March 2, 1991, and before March 1, 1992, filed a statement of benefits under IC 6-1.1-12.1-4.5 (as in effect before December 31, 1992) after March 1, 1992, with the designating body for the economic revitalization area.

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before December 31, 1992) apply throughout this section.

(c) Notwithstanding IC 6-1.1-12.1-4.5 (as in effect before December 31, 1992), a statement of benefits is not required of a taxpayer to qualify for the economic revitalization area deduction under IC 6-1.1-12.1 (as in effect before December 31, 1992) with respect to the new manufacturing equipment described in subsection (a).

(d) This section applies to property taxes due and payable after December 31, 1992.

SECTION 26. IC 6-1.1-12.9-7, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to ~~a~~ **Morgan County, Bartholomew County, Floyd County, and Kosciusko County.** ~~having a population:~~

(1) ~~of more than fifty thousand (50,000) and less than seventy thousand (70,000); and~~

(2) ~~as determined by the 1990 federal decennial census.~~

(b) Notwithstanding any other law, a designating body's actions taken after July 1, 1991, and before December 31, 1992, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(c) Notwithstanding any other law, a designating body's actions taken after February 28, 1993, and before July 1, 1995:

(1) designating an economic revitalization area;

(2) approving a statement of benefits; or

(3) retroactively approving a statement of benefits;



after initiation of the installation of new manufacturing equipment or rehabilitation or redevelopment of real property for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(d) Notwithstanding any other law, a designating body's action taken after February 28, 1993, and before July 1, 1995, incorporating the information required in the statement of benefits in the designating body's findings of fact made in support of designating an area as an economic revitalization area or approving a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) is legalized and validated and shall be treated as if the applicant provided the statement of benefits before the final action taken by the designating body.

(e) Notwithstanding any other law, a review shall be made of timely filed deduction applications for actions legalized and validated under this section for the purpose of granting deductions under IC 6-1.1-12.1 (as in effect before May 10, 1995) for assessment years after 1991.

SECTION 27. IC 6-1.1-12.9-8, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies only to property that is located in

(1) ~~an economic revitalization area; and~~

(2) ~~a the town having a population of more than one thousand (1,000) but less than two thousand (2,000) in a county having a population of more than twenty-four thousand eight hundred (24,800) but less than twenty-five thousand (25,000).~~

~~Population data used in this subsection refer to population data reported by the 1990 federal decennial census. of Remington.~~

(b) The definitions in IC 6-1.1-12.1 (as in effect before January 1, 1994) apply throughout this section.

(c) A taxpayer that is otherwise eligible for a tax deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) but failed to:

(1) designate or expand the boundaries of an economic revitalization area;

(2) file a statement of benefits or other information with the designating body;

(3) have a statement of benefits approved by a designating body;

(4) have a deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) granted by a designating body; or

(5) have the designating body make the findings of fact required under IC 6-1.1-12.1 (as in effect before January 1, 1994);

before installing new manufacturing equipment or initiating redevelopment or rehabilitation in an economic revitalization area is entitled to a tax deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) on property for assessment years after 1993 to the same extent as if the taxpayer had installed new manufacturing equipment or initiated redevelopment or rehabilitation after the actions



described in subdivisions (1) through (5).

(d) The state board of tax commissioners and the county auditor in the county where the property is located shall approve the taxpayer's application for a deduction under IC 6-1.1-12.1 (as in effect before January 1, 1994) on the property as soon as feasible after May 10, 1995.

(e) This section applies only to property taxes first due and payable after 1994.

SECTION 28. IC 6-1.1-12.9-9, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to ~~a~~ **the** city ~~having a population:~~

~~(1) of more than fifteen thousand (15,000) but less than fifteen thousand four hundred (15,400); and~~

~~(2) as determined by the 1990 federal decennial census. of Shelbyville.~~

(b) The definitions in IC 6-1.1-12.1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken after July 1, 1991, and before December 31, 1992, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and validated.

(d) Notwithstanding any other law, a review shall be made of timely filed deduction applications for actions legalized and validated under this section for the purpose of granting deductions under IC 6-1.1-12.1 (as in effect before May 10, 1995) for assessment years after 1991.

SECTION 29. IC 6-1.1-12.9-10, AS ADDED BY P.L.220-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to ~~a~~ **Benton County. having a population:**

~~(1) of more than nine thousand (9,000) but less than nine thousand five hundred (9,500); and~~

~~(2) as determined by the 1990 federal decennial census.~~

(b) The definitions in IC 6-1.1-12.1-1 (as in effect before May 10, 1995) apply throughout this section.

(c) Notwithstanding any other law, a designating body's actions taken before December 31, 1994, in:

(1) designating an economic revitalization area; or

(2) approving a statement of benefits;

after the initiation of the installation of new manufacturing equipment or after the initiation of the rehabilitation or redevelopment of real estate for which a person desires to claim a deduction under IC 6-1.1-12.1 (as in effect before May 10, 1995) are legalized and



1 validated.

2 SECTION 30. IC 6-1.1-17-5, AS AMENDED BY P.L.111-2010,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2012]: Sec. 5. (a) The officers of political subdivisions shall
5 meet each year to fix the budget, tax rate, and tax levy of their
6 respective subdivisions for the ensuing budget year as follows:

7 (1) The board of school trustees of a school corporation that is
8 located in a city having a population of more than one hundred
9 ~~five thousand~~ ~~(105,000)~~ **(100,000)** but less than one hundred
10 ~~twenty ten thousand~~ ~~(120,000)~~ **(110,000)**, not later than:

11 (A) the time required in section 5.6(b) of this chapter; or

12 (B) November 1 if a resolution adopted under section 5.6(d) of
13 this chapter is in effect.

14 (2) The proper officers of all other political subdivisions that are
15 not school corporations, not later than November 1.

16 (3) The governing body of a school corporation (other than a
17 school corporation described in subdivision (1)) that elects to
18 adopt a budget under section 5.6 of this chapter for budget years
19 beginning after June 30, 2011, not later than the time required
20 under section 5.6(b) of this chapter for budget years beginning
21 after June 30, 2011.

22 (4) The governing body of a school corporation that is not
23 described in subdivision (1) or (3), not later than November 1.

24 Except in a consolidated city and county and in a second class city, the
25 public hearing required by section 3 of this chapter must be completed
26 at least ten (10) days before the proper officers of the political
27 subdivision meet to fix the budget, tax rate, and tax levy. In a
28 consolidated city and county and in a second class city, that public
29 hearing, by any committee or by the entire fiscal body, may be held at
30 any time after introduction of the budget.

31 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
32 tax levy of a political subdivision fixed under subsection (a) by filing
33 an objection petition with the proper officers of the political
34 subdivision not more than seven (7) days after the hearing. The
35 objection petition must specifically identify the provisions of the
36 budget, tax rate, and tax levy to which the taxpayers object.

37 (c) If a petition is filed under subsection (b), the fiscal body of the
38 political subdivision shall adopt with its budget a finding concerning
39 the objections in the petition and any testimony presented at the
40 adoption hearing.

41 (d) This subsection does not apply to a school corporation. Each
42 year at least two (2) days before the first meeting of the county board
43 of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall
44 file with the county auditor:

45 (1) a statement of the tax rate and levy fixed by the political
46 subdivision for the ensuing budget year;



(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 31. IC 6-1.1-17-5.6, AS AMENDED BY P.L.111-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. (a) For budget years beginning before July 1, 2011, this section applies only to a school corporation that is located in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)**. For budget years beginning after June 30, 2011, this section applies to all school corporations. Beginning in 2011, each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

(1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;



(2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and

(3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 32. IC 6-1.1-18.5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9.5. (a) This section applies to civil taxing units located in a county having a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**) but less than one hundred fifteen thousand (115,000).

(b) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit under IC 8-10-5-17. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 8-10-5-17.

SECTION 33. IC 6-1.1-18.5-13, AS AMENDED BY P.L.172-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) With respect to an appeal filed under



section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property or the initial



annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5 does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

(i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year; or

(ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the



assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.



(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4. The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**) but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~);



(175,000);

(ii) a city having a population of more than ~~fifty-five~~
sixty-five thousand ~~(55,000)~~ **(65,000)** but less than ~~fifty-nine~~
seventy thousand ~~(59,000)~~; **(70,000);**

(iii) a city having a population of more than ~~twenty-eight~~
twenty-nine thousand ~~seven five~~ hundred ~~(28,700)~~ **(29,500)**
but less than twenty-nine thousand ~~(29,000)~~; **six hundred**
(29,600);

(iv) a city having a population of more than ~~fifteen~~ **thirteen**
thousand four hundred ~~(15,400)~~ **fifty (13,450)** but less than
~~sixteen~~ **thirteen** thousand ~~six five~~ hundred ~~(16,600)~~;
(13,500); or

(v) a city having a population of more than ~~seven~~ **eight**
thousand ~~(7,000)~~ **seven hundred (8,700)** but less than ~~seven~~
nine thousand ~~three hundred (7,300)~~; **(9,000);** and

(B) the increase is necessary to provide funding to undertake
removal (as defined in IC 13-11-2-187) and remedial action
(as defined in IC 13-11-2-185) relating to hazardous
substances (as defined in IC 13-11-2-98) in solid waste
disposal facilities or industrial sites in the civil taxing unit that
have become a menace to the public health and welfare.

The maximum increase that the local government tax control
board may recommend for such a civil taxing unit is the levy that
would result from a property tax rate of six and sixty-seven
hundredths cents (\$0.0667) for each one hundred dollars (\$100)
of assessed valuation. For purposes of computing the ad valorem
property tax levy limit imposed on a civil taxing unit under
section 3 of this chapter, the civil taxing unit's ad valorem
property tax levy for a particular year does not include that part of
the levy imposed under this subdivision. In addition, a property
tax increase permitted under this subdivision may be imposed for
only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for
property taxes first due and payable after December 31, 2008.
Permission for a county:

(A) having a population of more than eighty thousand (80,000)
but less than ninety thousand (90,000) to increase the county's
levy in excess of the limitations established under section 3 of
this chapter, if the local government tax control board finds
that the county needs the increase to meet the county's share of
the costs of operating a jail or juvenile detention center,
including expansion of the facility, if the jail or juvenile
detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that
is subject to an order that:

(i) was issued by a federal district court; and



- (ii) has not been terminated;
- (C) that operates a county jail that fails to meet:
 - (i) American Correctional Association Jail Construction Standards; and
 - (ii) Indiana jail operation standards adopted by the department of correction; or
- (D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to



borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than ~~twenty-nine thousand~~ **thirty-one thousand (31,000)** ~~five hundred~~ **(31,500)** but less than thirty-one thousand ~~(31,000)~~ **seven hundred twenty-five (31,725)** to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

(13) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(14) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars (\$300,000).

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an



amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

SECTION 34. IC 6-1.1-18.5-13.5, AS AMENDED BY P.L.182-2009(ss), SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.5. A levy increase may not be granted under this section for property taxes first due and payable after December 31, 2009. With respect to an appeal filed under section 12 of this chapter, the department of local government finance may give permission to a town having a population of more than three hundred ~~seventy-five (375)~~ **(300)** but less than ~~five four hundred (500)~~ **(400)** located in a county having a population of more than ~~seventy-one sixty-eight thousand (71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one seventy thousand four hundred (71,400)~~ **(70,000)** to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the town needs the increase to pay the costs of furnishing fire protection for the town. However, any increase in the amount of the town's levy under this section for the ensuing calendar year may not exceed the greater of:

(1) twenty-five thousand dollars (\$25,000); or

(2) twenty percent (20%) of the sum of:

(A) the amount authorized for the cost of furnishing fire protection in the town's budget for the immediately preceding calendar year; plus

(B) the amount of any additional appropriations authorized under IC 6-1.1-18-5 during that calendar year for the town's use in paying the costs of furnishing fire protection.

SECTION 35. IC 6-1.1-21.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. As used in this chapter, "qualified taxing unit" means each of the following:

(1) A city having a population of more than ~~thirty-two twenty-nine thousand (32,000)~~ **six hundred (29,600)** but less than ~~thirty-two twenty-nine thousand eight nine hundred (32,800)~~ **(29,900)**.

(2) The sanitary district of a city described in subdivision (1).



(3) The library district of a city described in subdivision (1).

(4) The school corporation located in a city described in subdivision (1).

SECTION 36. IC 6-1.1-21.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "qualified taxing unit" means a taxing unit located in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)**.

SECTION 37. IC 6-1.1-24-1.2, AS AMENDED BY P.L.113-2010, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale;

have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter. However a partial payment does not remove a tract or an item from the list certified under section 1 of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) The county auditor in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) may remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county treasurer may remove the tract or item from the list certified under section 1 of this chapter if the arrangement described in subsection (c):

(1) is in writing;

(2) is signed by the taxpayer; and

(3) requires the taxpayer to pay the delinquent taxes in full within one (1) year of the date the agreement is signed.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c), the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) If the tract or item of real property subject to a payment arrangement is within the jurisdiction of a:



(1) city having a population of more than ~~ninety eighty~~ thousand
(~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand
(~~105,000~~); **four hundred (80,400)**;

(2) city having a population of more than ~~thirty-two~~ **twenty-nine**
thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two~~
twenty-nine thousand ~~eight nine~~ hundred (~~32,800~~); **(29,900)**; or

(3) city having a population of more than ~~seventy-five~~ **eighty**
thousand (~~75,000~~) **five hundred (80,500)** but less than ~~ninety one~~
hundred thousand (~~90,000~~); **(100,000)**;

the county auditor shall notify the mayor of the city of the arrangement.

SECTION 38. IC 6-3.5-1.1-2.5, AS AMENDED BY P.L.184-2006,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
APRIL 1, 2012]: Sec. 2.5. (a) This section applies only to a county
having a population of more than ~~forty-one~~ **forty-two** thousand
(~~41,000~~) **three hundred (42,300)** but less than forty-three thousand
(43,000).

(b) As used in this section, "fiscal year" means a twelve (12) month
period beginning July 1 and ending June 30.

(c) The county council of a county described in subsection (a) may,
by ordinance, determine that additional county adjusted gross income
tax revenue is needed in the county to fund the operation and
maintenance of a jail and juvenile detention center opened after July 1,
1998.

(d) Notwithstanding section 2 of this chapter, if the county council
adopts an ordinance under subsection (c), the county council may
impose the county adjusted gross income tax at a rate of one and
one-tenth percent (1.1%) on adjusted gross income for fiscal years
beginning before July 1, 2011. For fiscal years beginning after June 30,
2011, the rate is reduced to one percent (1%). If the county council
imposes the county adjusted gross income tax at a rate of one and
one-tenth percent (1.1%), the county council may decrease the rate or
rescind the tax in the manner provided under this chapter.

(e) If a county imposes the county adjusted gross income tax at a
rate of one and one-tenth percent (1.1%) under this section, the revenue
derived from a tax rate of one-tenth percent (0.1%) on adjusted gross
income:

(1) shall be paid to the county treasurer;

(2) may be used only to pay the costs of operating a jail and
juvenile detention center opened after July 1, 1998; and

(3) may not be considered by the department of local government
finance in determining the county's maximum permissible
property tax levy limit under IC 6-1.1-18.5.

SECTION 39. IC 6-3.5-1.1-2.7 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.7. (a) This section
applies to a county having a population of more than ~~seventy-one~~
sixty-eight thousand (~~71,000~~) **nine hundred (68,900)** but less than



1 ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400): (70,000).~~

2 (b) The county council may, by ordinance, determine that additional
3 county adjusted gross income tax revenue is needed in the county to:

4 (1) finance, construct, acquire, improve, renovate, or equip the
5 county jail and related buildings and parking facilities, including
6 costs related to the demolition of existing buildings and the
7 acquisition of land; and

8 (2) repay bonds issued, or leases entered into, for constructing,
9 acquiring, improving, renovating, and equipping the county jail
10 and related buildings and parking facilities, including costs
11 related to the demolition of existing buildings and the acquisition
12 of land.

13 (c) In addition to the rates permitted by section 2 of this chapter, the
14 county council may impose the county adjusted gross income tax at a
15 rate of:

16 (1) fifteen-hundredths percent (0.15%);

17 (2) two-tenths percent (0.2%); or

18 (3) twenty-five hundredths percent (0.25%);

19 on the adjusted gross income of county taxpayers if the county council
20 makes the finding and determination set forth in subsection (b). The tax
21 imposed under this section may be imposed only until the later of the
22 date on which the financing on, acquisition, improvement, renovation,
23 and equipping described in subsection (b) is completed or the date on
24 which the last of any bonds issued or leases entered into to finance the
25 construction, acquisition, improvement, renovation, and equipping
26 described in subsection (b) are fully paid. The term of the bonds issued
27 (including any refunding bonds) or a lease entered into under
28 subsection (b)(2) may not exceed twenty (20) years.

29 (d) If the county council makes a determination under subsection
30 (b), the county council may adopt a tax rate under subsection (c). The
31 tax rate may not be imposed at a rate greater than is necessary to pay
32 the costs of financing, acquiring, improving, renovating, and equipping
33 the county jail and related buildings and parking facilities, including
34 costs related to the demolition of existing buildings and the acquisition
35 of land.

36 (e) The county treasurer shall establish a county jail revenue fund
37 to be used only for purposes described in this section. County adjusted
38 gross income tax revenues derived from the tax rate imposed under this
39 section shall be deposited in the county jail revenue fund before
40 making a certified distribution under section 11 of this chapter.

41 (f) County adjusted gross income tax revenues derived from the tax
42 rate imposed under this section:

43 (1) may only be used for the purposes described in this section;

44 (2) may not be considered by the department of local government
45 finance in determining the county's maximum permissible
46 property tax levy limit under IC 6-1.1-18.5; and



(3) may be pledged to the repayment of bonds issued, or leases entered into, for purposes described in subsection (b).

(g) A county described in subsection (a) possesses unique economic development challenges due to underemployment in relation to similarly situated counties. Maintaining low property tax rates is essential to economic development and the use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described under subsection (b), rather than use of property taxes, promotes that purpose.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

(1) the redemption of bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 40. IC 6-3.5-1.1-2.8, AS AMENDED BY P.L.147-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.8. (a) This section applies to **the following counties:**

(1) A county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ **(182,790)** **(185,000)** but less than two hundred ~~fifty~~ thousand ~~(200,000); and~~ **(250,000).**

(2) A county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine five hundred~~ **(45,900): (47,500).**

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain:

(1) jail facilities;

(2) juvenile court, detention, and probation facilities;

(3) other criminal justice facilities; and



(4) related buildings and parking facilities; located in the county. A county council of a county described in subsection (a)(1) or (a)(2) may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes a finding and determination set forth in subsection (b) or (c). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(e) This subsection applies only to a county described in subsection (a)(1). If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities referred to in subsection (b)(1)(A).

(f) The tax imposed under this section may be imposed only until the last of the following dates:

(1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.

(2) The date on which the last of any bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.

(3) If the county imposing the tax under this section is a county described in subsection (a)(1), the date on which an ordinance adopted under subsection (c) is rescinded.

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(h) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section.



County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(i) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(j) Notwithstanding any other law, money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 41. IC 6-3.5-1.1-2.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.9. (a) This section applies to a county having a population of more than ~~twenty-nine~~ **thirty** thousand ~~(29,000)~~ **(30,000)** but less than ~~thirty thirty-two~~ thousand ~~(30,000)~~ **(32,000)**.

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, remodel, or equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and
- (2) repay bonds issued or leases entered into for constructing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing on, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are completed



1 or the date on which the last of any bonds issued or leases entered into
 2 to finance the construction, acquisition, improvement, renovation,
 3 remodeling, and equipping described in subsection (b) are fully paid.
 4 The term of the bonds issued (including any refunding bonds) or a
 5 lease entered into under subsection (b)(2) may not exceed twenty-five
 6 (25) years.

7 (d) If the county council makes a determination under subsection
 8 (b), the county council may adopt a tax rate under subsection (c). The
 9 tax rate may not be imposed at a rate greater than is necessary to pay
 10 the costs of financing, acquiring, improving, renovating, remodeling,
 11 and equipping the county jail and related buildings and parking
 12 facilities, including costs related to the demolition of existing
 13 buildings, the acquisition of land, and any other reasonably related
 14 costs.

15 (e) The county treasurer shall establish a county jail revenue fund
 16 to be used only for purposes described in this section. County adjusted
 17 gross income tax revenues derived from the tax rate imposed under this
 18 section shall be deposited in the county jail revenue fund before
 19 making a certified distribution under section 11 of this chapter.

20 (f) County adjusted gross income tax revenues derived from the tax
 21 rate imposed under this section:

- 22 (1) may be used only for the purposes described in this section;
- 23 (2) may not be considered by the department of local government
 24 finance in determining the county's maximum permissible
 25 property tax levy limit under IC 6-1.1-18.5; and
- 26 (3) may be pledged to the repayment of bonds issued or leases
 27 entered into for purposes described in subsection (b).

28 (g) A county described in subsection (a) possesses unique
 29 governmental and economic development challenges due to:

- 30 (1) underemployment in relation to similarly situated counties and
 31 the loss of a major manufacturing business;
- 32 (2) an increase in property taxes for taxable years after December
 33 31, 2000, for the construction of a new elementary school; and
- 34 (3) overcrowding of the county jail, the costs associated with
 35 housing the county's inmates outside the county, and the potential
 36 unavailability of additional housing for inmates outside the
 37 county.

38 The use of county adjusted gross income tax revenues as provided in
 39 this chapter is necessary for the county to provide adequate jail
 40 capacity in the county and to maintain low property tax rates essential
 41 to economic development. The use of county adjusted gross income tax
 42 revenues as provided in this chapter to pay any bonds issued or leases
 43 entered into to finance the construction, acquisition, improvement,
 44 renovation, remodeling, and equipping described in subsection (b),
 45 rather than the use of property taxes, promotes those purposes.

46 (h) Notwithstanding any other law, funds accumulated from the



county adjusted gross income tax imposed under this section after:

(1) the redemption of bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 42. IC 6-3.5-1.1-3.1, AS AMENDED BY P.L.77-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) The county council may decrease the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county. To decrease the rate, the county council must adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council decreases the county adjusted gross income tax rate imposed upon the resident county taxpayers of the county from _____ percent (____%) to _____ percent (____%)."

(b) A county council may not decrease the county adjusted gross income tax rate if the county or any commission, board, department, or authority that is authorized by statute to pledge the county adjusted gross income tax has pledged the county adjusted gross income tax for any purpose permitted by IC 5-1-14 or any other statute.

(c) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(d) Notwithstanding IC 6-3.5-7, and except as provided in subsection (e), a county council that decreases the county adjusted gross income tax rate in a year may not in the same year adopt or increase the county economic development income tax under IC 6-3.5-7.

(e) This subsection applies only to a county having a population of more than one hundred ~~ten eleven~~ thousand (~~110,000~~) (**111,000**) but less than one hundred fifteen thousand (115,000). The county council may adopt or increase the county economic development income tax rate under IC 6-3.5-7 in the same year that the county council decreases the county adjusted gross income tax rate if the county economic development income tax rate plus the county adjusted gross income tax rate in effect after the county council decreases the county adjusted gross income tax rate is less than the county adjusted gross income tax rate in effect before the adoption of an ordinance under this section decreasing the rate of the county adjusted gross income tax.

SECTION 43. IC 6-3.5-1.1-3.5, AS AMENDED BY P.L.224-2007, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies only to a county



1 having a population of more than thirteen thousand ~~five hundred~~
 2 ~~(13,500)~~ **(13,000)** but less than fourteen thousand (14,000).

3 (b) The county council of a county described in subsection (a) may,
 4 by ordinance, determine that additional county adjusted gross income
 5 tax revenue is needed in the county to fund the operation and
 6 maintenance of a jail and justice center.

7 (c) Notwithstanding section 2 of this chapter, if the county council
 8 adopts an ordinance under subsection (b), the county council may
 9 impose the county adjusted gross income tax at a rate of one and
 10 three-tenths percent (1.3%) on adjusted gross income. However, a
 11 county may impose the county adjusted gross income tax at a rate of
 12 one and three-tenths percent (1.3%) for only eight (8) years. After the
 13 county has imposed the county adjusted gross income tax at a rate of
 14 one and three-tenths percent (1.3%) for eight (8) years, the rate is
 15 reduced to one percent (1%). If the county council imposes the county
 16 adjusted gross income tax at a rate of one and three-tenths percent
 17 (1.3%), the county council may decrease the rate or rescind the tax in
 18 the manner provided under this chapter.

19 (d) If a county imposes the county adjusted gross income tax at a
 20 rate of one and three-tenths percent (1.3%) under this section, the
 21 revenue derived from a tax rate of three-tenths percent (0.3%) on
 22 adjusted gross income:

23 (1) shall be paid to the county treasurer;

24 (2) may be used only to pay the costs of operating and
 25 maintaining a jail and justice center; and

26 (3) may not be considered by the department of local government
 27 finance under any provision of IC 6-1.1-18.5, including the
 28 determination of the county's maximum permissible property tax
 29 levy.

30 SECTION 44. IC 6-3.5-1.1-3.6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.6. (a) This section
 32 applies only to a county having a population of more than ~~six~~ **seven**
 33 thousand ~~(6,000)~~ **(7,000)** but less than eight thousand (8,000).

34 (b) The county council may, by ordinance, determine that additional
 35 county adjusted gross income tax revenue is needed in the county to:

36 (1) finance, construct, acquire, improve, renovate, or equip the
 37 county courthouse; and

38 (2) repay bonds issued, or leases entered into, for constructing,
 39 acquiring, improving, renovating, and equipping the county
 40 courthouse.

41 (c) In addition to the rates permitted under section 2 of this chapter,
 42 the county council may impose the county adjusted gross income tax
 43 at a rate of twenty-five hundredths percent (0.25%) on the adjusted
 44 gross income of county taxpayers if the county council makes the
 45 finding and determination set forth in subsection (b). The tax imposed
 46 under this section may be imposed only until the later of the date on



which the financing on, acquisition, improvement, renovation, and equipping described in subsection (b) is completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty-two (22) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping the county courthouse.

(e) The county treasurer shall establish a county courthouse revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county courthouse revenue fund before a certified distribution is made under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for purposes described in subsection (b).

(g) A county described in subsection (a) possesses unique economic development challenges due to:

- (1) the county's heavy agricultural base;
- (2) the presence of a large amount of state owned property in the county that is exempt from property taxation; and
- (3) recent obligations of the school corporation in the county that have already increased property taxes in the county and imposed additional property tax burdens on the county's agricultural base.

Maintaining low property tax rates is essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b), rather than the use of property taxes, promotes that purpose.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the redemption of the bonds issued; or
- (2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for



1 construction, resurfacing, restoration, and rehabilitation of county
2 highways, roads, and bridges.

3 SECTION 45. IC 6-3.5-1.1-10, AS AMENDED BY P.L.77-2011,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 APRIL 1, 2012]: Sec. 10. (a) Except as provided in subsection (b),
6 one-half (1/2) of each adopting county's certified distribution for a
7 calendar year shall be distributed from its account established under
8 section 8 of this chapter to the appropriate county treasurer on May 1
9 and the other one-half (1/2) on November 1 of that calendar year.

10 (b) This subsection applies to a county having a population of more
11 than one hundred ~~forty-five~~ **fifty** thousand (~~145,000~~) (**150,000**) but less
12 than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**),
13 if an ordinance imposing the tax is adopted before July 1 of a year.
14 Notwithstanding section 9 of this chapter, the initial certified
15 distribution certified for a county under section 9 of this chapter shall
16 be distributed to the county treasurer from the account established for
17 the county under section 8 of this chapter according to the following
18 schedule during the eighteen (18) month period beginning on July 1 of
19 the year in which the county initially adopts an ordinance under section
20 2 of this chapter:

21 (1) One-fourth (1/4) on October 1 of the calendar year in which
22 the ordinance was adopted.

23 (2) One-fourth (1/4) on January 1 of the calendar year following
24 the year in which the ordinance was adopted.

25 (3) One-fourth (1/4) on May 1 of the calendar year following the
26 year in which the ordinance was adopted.

27 (4) One-fourth (1/4) on November 1 of the calendar year
28 following the year in which the ordinance was adopted.

29 Notwithstanding section 11 of this chapter, the part of the certified
30 distribution received under subdivision (1) that would otherwise be
31 allocated to a civil taxing unit or school corporation as property tax
32 replacement credits under section 11 of this chapter shall be set aside
33 and treated for the calendar year when received by the civil taxing unit
34 or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or
35 IC 20-44-3. Certified distributions made to the county treasurer for
36 calendar years following the eighteen (18) month period described in
37 this subsection shall be made as provided in subsection (a).

38 (c) Except for:

39 (1) revenue that must be used to pay the costs of:

40 (A) financing, constructing, acquiring, improving, renovating,
41 equipping, operating, or maintaining facilities and buildings;

42 (B) debt service on bonds; or

43 (C) lease rentals;

44 under section 2.3 of this chapter;

45 (2) revenue that must be used to pay the costs of operating a jail
46 and juvenile detention center under section 2.5 of this chapter;



(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter;

(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

(7) revenue under section 2.6 of this chapter; or

(8) revenue attributable to a tax rate under section 24, 25, or 26 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b) and sections 24, 25, and 26 of this chapter, the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 46. IC 6-3.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as otherwise provided in this section, as used in this chapter, "adjusted gross income" has the meaning set forth in IC 6-3-1-3.5(a).

(b) In the case of a county taxpayer who is not a resident of a county that has imposed the county economic development income tax, the term "adjusted gross income" includes only adjusted gross income derived from the taxpayer's principal place of business or employment.

(c) In the case of a county taxpayer who is a resident of a county having a population of more than eighteen thousand ~~three hundred~~ ~~(18,300)~~ **(18,000)** but less than nineteen thousand ~~three five hundred~~ ~~(19,300)~~ **(19,500)**, the term "adjusted gross income" does not include adjusted gross income that is:

(1) earned in a county that is:

(A) located in another state; and

(B) adjacent to the county in which the taxpayer resides; and

(2) subject to an income tax imposed by a county, city, town, or other local governmental entity in the other state.



SECTION 47. IC 6-3.5-7-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.3. As used in this chapter, "designated unit" refers to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)**.

SECTION 48. IC 6-3.5-7-5, AS AMENDED BY P.L.199-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on March 31 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on March 31 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), (s), (v), (w), (x), or (y), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), (u), (w), (x), or (y), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an



ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county.".

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**) but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) (**175,000**). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than ~~forty-one~~ **forty-two** thousand (~~41,000~~) **three hundred (42,300)** but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand ~~five hundred (13,500)~~ (**13,000**) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand (~~71,000~~) **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400); (70,000)~~, except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are



in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than ~~twenty-seven~~ **twenty-six** thousand ~~four hundred (27,400)~~ **(26,000)** but less than ~~twenty-seven~~ **twenty-six** thousand five hundred ~~(27,500);~~ **(26,500)**. Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than ~~twenty-nine~~ **thirty** thousand ~~(29,000)~~ **(30,000)** but less than ~~thirty~~ **thirty-two** thousand ~~(30,000);~~ **(32,000)**, except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred ~~fifty~~ thousand ~~(200,000);~~ **(250,000);** or

(2) a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine five hundred (45,900);~~ **(47,500);**

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than ~~six~~ **seven** thousand ~~(6,000)~~ **(7,000)** but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than ~~thirty-nine~~ **thirty-eight** thousand ~~(39,000)~~ **two hundred (38,200)** but less than ~~thirty-nine~~ **thirty-eight** thousand ~~six five hundred (39,600);~~ **(38,500)**. Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and



(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 (**repealed**) before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and



(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(w) An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

- (1) the county economic development income tax rate plus the county adjusted gross income tax rate; or
- (2) the county economic development tax rate plus the county option income tax rate.

(x) The income tax rate limits imposed by subsection (c) or (y) or any other provision of this chapter do not apply to:

- (1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or
- (2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or (y) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.



(y) This subsection applies to Monroe County. Except as provided in subsection (p), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(z) This subsection applies to Perry County. Except as provided in subsection (p), if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

SECTION 49. IC 6-3.5-7-13.1, AS AMENDED BY P.L.199-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, 27, and 27.5 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, 25, 26, 27, and 27.5 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose



primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)**, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer the three million five hundred thousand dollars (\$3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)**, all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate



1 increase must be used by the county and cities and towns in the
2 county for homestead credits under subdivision (5).

3 (5) This subdivision applies only in a county having a population
4 of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~
5 **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand
6 ~~(148,000)~~ **(170,000)**. All of the tax revenue that results each year
7 from a tax rate increase described in subdivision (4) that is in
8 excess of the first three million five hundred thousand dollars
9 (\$3,500,000) that results each year from the tax rate increase must
10 be used by the county and cities and towns in the county for
11 homestead credits under this subdivision. The following apply to
12 homestead credits provided under this subdivision:

13 (A) The homestead credits must be applied uniformly to
14 provide a homestead credit for homesteads in the county, city,
15 or town.

16 (B) The homestead credits shall be treated for all purposes as
17 property tax levies.

18 (C) The homestead credits shall be applied to the net property
19 taxes due on the homestead after the application of all other
20 assessed value deductions or property tax deductions and
21 credits that apply to the amount owed under IC 6-1.1.

22 (D) The department of local government finance shall
23 determine the homestead credit percentage for a particular
24 year based on the amount of county economic development
25 income tax revenue that will be used under this subdivision to
26 provide homestead credits in that year.

27 (6) This subdivision applies only in a county having a population
28 of more than four hundred thousand (400,000) but less than seven
29 hundred thousand (700,000). A county or a city or town in the
30 county may use county economic development income tax
31 revenue to provide homestead credits in the county, city, or town.
32 The following apply to homestead credits provided under this
33 subdivision:

34 (A) The county, city, or town fiscal body must adopt an
35 ordinance authorizing the homestead credits. The ordinance
36 must specify the amount of county economic development
37 income tax revenue that will be used to provide homestead
38 credits in the following year.

39 (B) A county, city, or town fiscal body that adopts an
40 ordinance under this subdivision must forward a copy of the
41 ordinance to the county auditor and the department of local
42 government finance not more than thirty (30) days after the
43 ordinance is adopted.

44 (C) The homestead credits must be applied uniformly to
45 increase the homestead credit under IC 6-1.1-20.9 (repealed)
46 for homesteads in the county, city, or town (for property taxes



first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).

(D) The homestead credits shall be treated for all purposes as property tax levies.

(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to a county, if:

(A) ~~that the county~~ has a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars



1 (\$3,500,000) that results each year from the tax rate increase must
 2 be used by the county and cities and towns in the county for
 3 homestead credits under subdivision (9).

4 (9) This subdivision applies only to a county described in
 5 subdivision (8). All of the tax revenue that results each year from
 6 a tax rate increase described in subdivision (8) that is in excess of
 7 the first three million five hundred thousand dollars (\$3,500,000)
 8 that results each year from the tax rate increase must be used by
 9 the county and cities and towns in the county for homestead
 10 credits under this subdivision. The following apply to homestead
 11 credits provided under this subdivision:

12 (A) The homestead credits must be applied uniformly to
 13 provide a homestead credit for homesteads in the county, city,
 14 or town.

15 (B) The homestead credits shall be treated for all purposes as
 16 property tax levies.

17 (C) The homestead credits shall be applied to the net property
 18 taxes due on the homestead after the application of all other
 19 assessed value deductions or property tax deductions and
 20 credits that apply to the amount owed under IC 6-1.1.

21 (D) The department of local government finance shall
 22 determine the homestead credit percentage for a particular
 23 year based on the amount of county economic development
 24 income tax revenue that will be used under this subdivision to
 25 provide homestead credits in that year.

26 (c) As used in this section, an economic development project is any
 27 project that:

28 (1) the county, city, or town determines will:

29 (A) promote significant opportunities for the gainful
 30 employment of its citizens;

31 (B) attract a major new business enterprise to the unit; or

32 (C) retain or expand a significant business enterprise within
 33 the unit; and

34 (2) involves an expenditure for:

35 (A) the acquisition of land;

36 (B) interests in land;

37 (C) site improvements;

38 (D) infrastructure improvements;

39 (E) buildings;

40 (F) structures;

41 (G) rehabilitation, renovation, and enlargement of buildings
 42 and structures;

43 (H) machinery;

44 (I) equipment;

45 (J) furnishings;

46 (K) facilities;



(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);
 (M) operating expenses authorized under subsection (b)(2)(E);
 or
 (N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit; or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 50. IC 6-3.5-7-16, AS AMENDED BY P.L.77-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) Except as provided in subsections (b) and (c), on May 1 of each year, one-half (1/2) of each county's certified distribution for a calendar year shall be distributed from its account established under section 10 of this chapter to the county treasurer. The other one-half (1/2) shall be distributed on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand (~~145,000~~) (**150,000**) but less than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**), if the ordinance imposing the tax is adopted before July 1 of a year. Notwithstanding section 11 of this chapter, the initial certified distribution certified for a county under section 11 of this chapter shall be distributed to the county treasurer from the account established for the county under section 10 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 5 of this chapter:

(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

The county auditor and county treasurer shall distribute amounts received under this subsection to a county and each city or town in the county in the same proportions as are set forth in section 12 of this chapter. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in



1 this subsection shall be made as provided in subsection (a).

2 (c) Before July 1 of each year, a county's certified distribution for
3 additional homestead credits under section 25 or 26 of this chapter for
4 the year shall be distributed from the county's account established
5 under section 10 of this chapter.

6 (d) All distributions from an account established under section 10
7 of this chapter shall be made by warrants issued by the auditor of state
8 to the treasurer of state ordering the appropriate payments.

9 SECTION 51. IC 6-3.5-7-22.5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22.5. (a) This section
11 applies to a county having a population of more than ~~twenty-seven~~
12 ~~twenty-six~~ thousand ~~four hundred~~ (27,400) **(26,000)** but less than
13 ~~twenty-seven~~ ~~twenty-six~~ thousand five hundred (27,500). **(26,500).**

14 (b) In addition to the rates permitted by section 5 of this chapter, the
15 county council may impose the county economic development income
16 tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted
17 gross income of county taxpayers if the county council makes the
18 finding and determination set forth in subsection (c).

19 (c) In order to impose the county economic development income tax
20 as provided in this section, the county council must adopt an ordinance
21 finding and determining that revenues from the county economic
22 development income tax are needed to pay the costs of:

23 (1) financing, constructing, acquiring, renovating, and equipping
24 the county courthouse, and financing and renovating the former
25 county hospital for additional office space, educational facilities,
26 nonsecure juvenile facilities, and other county functions,
27 including the repayment of bonds issued, or leases entered into for
28 constructing, acquiring, renovating, and equipping the county
29 courthouse and for renovating the former county hospital for
30 additional office space, educational facilities, nonsecure juvenile
31 facilities, and other county functions;

32 (2) financing constructing, acquiring, renovating, and equipping
33 buildings for a volunteer fire department (as defined in
34 IC 36-8-12-2) that provides services in any part of the county; and

35 (3) financing constructing, acquiring, and renovating firefighting
36 apparatus or other related equipment for a volunteer fire
37 department (as defined in IC 36-8-12-2) that provides services in
38 any part of the county.

39 (d) If the county council makes a determination under subsection
40 (c), the county council may adopt a tax rate under subsection (b). The
41 tax rate may not be imposed at a rate or for a time greater than is
42 necessary to pay for the purposes described in this section.

43 (e) The county treasurer shall establish a county option tax revenue
44 fund to be used only for the purposes described in this section. County
45 economic development income tax revenues derived from the tax rate
46 imposed under this section shall be deposited in the county option tax



revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

(g) A county described in subsection (a) possesses:

- (1) unique fiscal challenges to finance the operations of county government due to the county's ongoing obligation to repay amounts received by the county due to an overpayment of the county's certified distribution under IC 6-3.5-1.1-9 for a prior year; and
- (2) unique capital financing needs related to the purposes described in subsection (c).

SECTION 52. IC 6-3.5-7-23, AS AMENDED BY P.L.146-2008, SECTION 349, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 23. (a) This section applies only to a county having a population of more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000)~~ **(70,050)**.

(b) The county council may by ordinance determine that, in order to promote the development of libraries in the county and thereby encourage economic development, it is necessary to use economic development income tax revenue to replace library property taxes in the county. However, a county council may adopt an ordinance under this subsection only if all territory in the county is included in a library district.

(c) If the county council makes a determination under subsection (b), the county council may designate the county economic development income tax revenue generated by the tax rate adopted under section 5 of this chapter, or revenue generated by a portion of the tax rate, as revenue that will be used to replace public library property taxes imposed by public libraries in the county. The county council may not designate for library property tax replacement purposes any county economic development income tax revenue that is generated by a tax rate of more than fifteen-hundredths percent (0.15%).

(d) The county treasurer shall establish a library property tax replacement fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the portion of the tax rate designated for property tax replacement credits under subsection (c) shall be deposited in the library property tax replacement fund before certified distributions are made under



section 12 of this chapter. Any interest earned on money in the library property tax replacement fund shall be credited to the library property tax replacement fund.

(e) The amount of county economic development income tax revenue dedicated to providing library property tax replacement credits shall, in the manner prescribed in this section, be allocated to public libraries operating in the county and shall be used by those public libraries as property tax replacement credits. The amount of property tax replacement credits that each public library in the county is entitled to receive during a calendar year under this section equals the lesser of:

(1) the product of:

(A) the amount of revenue deposited by the county auditor in the library property tax replacement fund; multiplied by

(B) a fraction described as follows:

(i) The numerator of the fraction equals the sum of the total property taxes that would have been collected by the public library during the previous calendar year from taxpayers located within the library district if the property tax replacement under this section had not been in effect.

(ii) The denominator of the fraction equals the sum of the total property taxes that would have been collected during the previous year from taxpayers located within the county by all public libraries that are eligible to receive property tax replacement credits under this section if the property tax replacement under this section had not been in effect; or

(2) the total property taxes that would otherwise be collected by the public library for the calendar year if the property tax replacement credit under this section were not in effect.

The department of local government finance shall make any adjustments necessary to account for the expansion of a library district. However, a public library is eligible to receive property tax replacement credits under this section only if it has entered into reciprocal borrowing agreements with all other public libraries in the county. If the total amount of county economic development income tax revenue deposited by the county auditor in the library property tax replacement fund for a calendar year exceeds the total property tax liability that would otherwise be imposed for public libraries in the county for the year, the excess shall remain in the library property tax replacement fund and shall be used for library property tax replacement purposes in the following calendar year.

(f) Notwithstanding subsection (e), if a public library did not impose a property tax levy during the previous calendar year, that public library is entitled to receive a part of the property tax replacement credits to be distributed for the calendar year. The amount of property tax replacement credits the public library is entitled to receive during the calendar year equals the product of:



(1) the amount of revenue deposited in the library property tax replacement fund; multiplied by

(2) a fraction. The numerator of the fraction equals the budget of the public library for that calendar year. The denominator of the fraction equals the aggregate budgets of public libraries in the county for that calendar year.

If for a calendar year a public library is allocated a part of the property tax replacement credits under this subsection, then the amount of property tax credits distributed to other public libraries in the county for the calendar year shall be reduced by the amount to be distributed as property tax replacement credits under this subsection. The department of local government finance shall make any adjustments required by this subsection and provide the adjustments to the county auditor.

(g) The department of local government finance shall inform the county auditor of the amount of property tax replacement credits that each public library in the county is entitled to receive under this section. The county auditor shall certify to each public library the amount of property tax replacement credits that the public library is entitled to receive during that calendar year. The county auditor shall also certify these amounts to the county treasurer.

(h) A public library receiving property tax replacement credits under this section shall allocate the credits among each fund for which a distinct property tax levy is imposed. The amount that must be allocated to each fund equals:

(1) the amount of property tax replacement credits provided to the public library under this section; multiplied by

(2) the amount determined in STEP THREE of the following formula:

STEP ONE: Determine the property taxes that would have been collected for each fund by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP TWO: Determine the sum of the total property taxes that would have been collected for all funds by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount.

However, if a public library did not impose a property tax levy during the previous calendar year or did not impose a property tax levy for a particular fund during the previous calendar year, but the public library is imposing a property tax levy in the current calendar year or is imposing a property tax levy for the particular fund in the current calendar year, the department of local government finance shall adjust the amount of property tax replacement credits allocated among the



various funds of the public library and shall provide the adjustment to the county auditor. If a public library receiving property tax replacement credits under this section does not impose a property tax levy for a particular fund that is first due and payable in a calendar year in which the property tax replacement credits are being distributed, the public library is not required to allocate to that fund a part of the property tax replacement credits to be distributed to the public library. Notwithstanding IC 6-1.1-20-1.1(1), a public library that receives property tax replacement credits under this section is subject to the procedures for the issuance of bonds set forth in IC 6-1.1-20.

(i) For each public library that receives property tax credits under this section, the department of local government finance shall certify to the county auditor the property tax rate applicable to each fund after the property tax replacement credits are allocated.

(j) A public library shall treat property tax replacement credits received during a particular calendar year under this section as a part of the public library's property tax levy for each fund for that same calendar year for purposes of fixing the public library's budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

(k) For the purpose of computing and distributing certified distributions under IC 6-3.5-1.1 and tax revenue under IC 6-5.5 or IC 6-6-5, the property tax replacement credits that are received under this section shall be treated as though they were property taxes that were due and payable during that same calendar year.

SECTION 53. IC 6-3.5-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. (a) This section applies to a county having a population of more than ~~thirty-nine~~ **thirty-eight** thousand (~~39,000~~) **two hundred (38,200)** but less than ~~thirty-nine~~ **thirty-eight** thousand ~~six~~ **five** hundred (~~39,600~~): **(38,500)**.

(b) In addition to the rates permitted by section 5 of this chapter, the county council may impose the county economic development income tax at a rate of twenty-five hundredths percent (0.25%) on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (c).

(c) In order to impose the county economic development income tax as provided in this section, the county council must adopt an ordinance finding and determining that revenues from the county economic development income tax are needed to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail including the repayment of bonds issued, or leases entered into, for constructing, acquiring, renovating, and equipping a county jail.

(d) If the county council makes a determination under subsection (c), the county council may adopt a tax rate under subsection (b). The tax rate may not be imposed at a rate or for a time greater than is necessary to pay the costs of financing, constructing, acquiring, renovating, and equipping a county jail.



(e) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County economic development income tax revenues derived from the tax rate imposed under this section:

- (1) may only be used for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued, or leases entered into, for the purposes described in subsection (c).

SECTION 54. IC 6-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) In a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~ **(270,000)**, there is hereby created on and after January 1, 1973, a special funds board of managers.

(b) The board of managers shall be composed of eleven (11) members as follows:

- (1) Six (6) appointed by the mayor of the city having the largest population in the county, one (1) of whom shall be from the hotel motel industry.
- (2) Three (3) appointed by the mayor of the city having the second largest population in the county, one (1) of whom may be from the hotel motel industry.
- (3) Two (2) appointed by the board of county commissioners of such county, one (1) of whom shall be from the hotel motel industry.

(c) Except for the members first appointed, each member of the board of managers shall serve for a term of two (2) years commencing on the fifteenth day of the January following their appointment and until their successors are appointed and are qualified.

(d) The two (2) members first appointed by the board of commissioners shall serve from the date of their appointment staggered terms as follows:

- (1) One (1) to January 15 of the year following the appointment.
- (2) One (1) to January 15 of the second year following the appointment.

(e) Three (3) of the members first appointed by the mayor of the city having the largest population in the county and the three (3) members first appointed by the mayor of the city having the second largest population in the county shall serve from the date of their appointment as follows:



(1) One (1) appointed by each mayor to January 15 of the year following the appointment.

(2) Two (2) appointed by each mayor to January 15 of the second year following their appointment.

(f) The three (3) remaining members first appointed by the mayor of the city having the largest population in the county shall serve to January 15 of the second year following their appointment.

(g) At the end of the term of any member of the board of managers, the person or body making the original appointment may reappoint such person whose term has expired or appoint a new member for a full two (2) year term.

(h) If a vacancy occurs in the board of managers during any term, a successor for the vacancy shall be appointed by the person or body making the original appointment, and such successor shall serve for the remainder of the vacated term.

(i) Any member of the board of managers may be removed for cause by the person or body making the original appointment.

(j) No more than two (2) members of the board of managers appointed by the mayor of the city with the second largest population in the county shall be of the same political party. No more than three (3) of the board of managers appointed by the mayor of the city having the largest population in the county shall be of the same political party.

(k) Each member of the board of managers, before entering upon ~~his~~ **the member's** duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon ~~his~~ **the member's** certificate of appointment, which shall be promptly filed with the **county's circuit court** clerk. ~~of the circuit court of the county.~~ Each member of the board of managers must be a resident of the county during ~~his~~ **the member's** entire term. Such member shall receive no salary, but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of ~~his~~ **the member's** duties.

SECTION 55. IC 6-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) In a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~ **(270,000)**, there shall be levied each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any commercial hotel, motel, inn, tourist camp, or tourist cabin. Such tax shall be at the rate of six percent (6%) on the gross income derived from lodging income only and shall be in addition to the state gross retail tax imposed on such persons by IC 6-2.5. The tax shall be reported on forms approved by the county treasurer, and shall be paid quarterly to the county treasurer not more than twenty (20) days after the end of the quarter in which the tax is collected. All provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties,



exemptions, and definitions apply to the imposition of the tax imposed by this section except as otherwise provided by this chapter, and except that the county treasurer, and not the department of state revenue, is responsible for administration of the tax. All provisions of IC 6-8.1 apply to the county treasurer with respect to the tax imposed by this section in the same manner that they apply to the department of state revenue with respect to the other listed taxes under IC 6-8.1-1-1.

(b) The tax imposed under subsection (a) does not apply to the renting or furnishing of rooms, lodgings, or accommodations to a person for a period of thirty (30) days or more.

SECTION 56. IC 6-9-2-2, AS AMENDED BY P.L.172-2011, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county.

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

- (1) money in the promotion fund on June 30, 2005;
- (2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and
- (3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

- (1) Seventy-five percent (75%) of the revenue received under this



subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~ninety eighty~~ thousand (~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand (~~105,000~~): **four hundred (80,400).**

(2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~seventy-five eighty~~ thousand (~~75,000~~) **five hundred (80,500)** but less than ~~ninety one hundred~~ thousand (~~90,000~~): **(100,000).**

(3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than ~~thirty-two twenty-nine~~ thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two twenty-nine~~ thousand ~~eight nine~~ hundred (~~32,800~~): **(29,900).**

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than



1 ~~ninety eighty~~ thousand ~~(90,000)~~ **(80,000)** but less than ~~one~~
 2 ~~hundred five eighty~~ thousand ~~(105,000)~~; **four hundred (80,400).**
 3 (2) Fifty percent (50%) of the revenue covered by this subsection
 4 shall be transferred to cities having a population of more than
 5 ~~seventy-five eighty~~ thousand ~~(75,000)~~ **five hundred (80,500)** but
 6 less than ~~ninety one hundred~~ thousand ~~(90,000)~~; **(100,000).**

7 Money transferred under this subsection may be used only for
 8 convention facilities located within the city. In addition, the money may
 9 be used only for facility marketing, sales, and public relations
 10 programs. Money transferred under this subsection may not be used for
 11 salaries, facility operating costs, or capital expenditures related to the
 12 convention facilities. The county treasurer shall make the transfers on
 13 or before December 1 of each year.

14 (g) This subsection applies to the revenue received from the tax
 15 imposed under this chapter in each year that exceeds one million two
 16 hundred thousand dollars (\$1,200,000). During each year, the county
 17 treasurer shall distribute money in the promotion fund as follows:

18 (1) Eighty-five percent (85%) of the revenue covered by this
 19 subsection shall be deposited in the convention, tourism, and
 20 visitor promotion fund. The money deposited in the fund under
 21 this subdivision may be used only for the purposes for which
 22 other money in the fund may be used.

23 (2) Five percent (5%) of the revenue covered by this subsection
 24 shall be transferred to Purdue University-Calumet. The money
 25 received by Purdue University-Calumet under this subdivision
 26 may be used by the university only for nursing education
 27 programs.

28 (3) Five percent (5%) of the revenue covered by this subsection
 29 shall be transferred to Indiana University-Northwest. The money
 30 received by Indiana University-Northwest under this subdivision
 31 may be used only for the university's medical education programs.

32 (4) Five percent (5%) of the revenue covered by this subsection
 33 shall be transferred to Indiana University-Northwest. The money
 34 received by Indiana University-Northwest under this subdivision
 35 may be used only for the university's allied health education
 36 programs.

37 (h) This subsection applies only to the distribution of revenue
 38 received from the tax imposed under section 1 of this chapter from
 39 hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or
 40 accommodations built or refurbished after June 30, 1993, that are
 41 located in the largest city of the county. During each year, the county
 42 treasurer shall transfer:

43 (1) seventy-five percent (75%) of the revenues under this
 44 subsection to the department of public safety; and

45 (2) twenty-five percent (25%) of the revenues under this
 46 subsection to the division of physical and economic development;



of the largest city of the county.

(i) The Lake County convention and visitor bureau shall assist the county treasurer, as needed, with the calculation of the amounts that must be deposited and transferred under this section.

SECTION 57. IC 6-9-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) (**175,000**) but less than one hundred ~~eighty~~ **eighty-five** thousand (~~180,000~~) (**185,000**).

SECTION 58. IC 6-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand (~~120,000~~) (**135,000**) but less than one hundred ~~thirty~~ **thirty-eight** thousand (~~130,000~~) (**138,000**).

SECTION 59. IC 6-9-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**) but less than one hundred fifteen thousand (115,000).

SECTION 60. IC 6-9-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**) but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) (**175,000**).

SECTION 61. IC 6-9-7-7, AS AMENDED BY P.L.172-2011, SECTION 100, AND AS AMENDED BY P.L.229-2011, SECTION 96, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit in that fund all money received under section 6 of this chapter that is attributable to an innkeeper's tax rate that is not more than five percent (5%).

(b) Money in the innkeeper's tax fund shall be distributed as follows:

(1) Thirty percent (30%) shall be distributed *as follows*:

(A) *Before July 1, 2015, and after June 30, 2017*, to the department of natural resources for the development of projects in the state park on the county's largest river, including its tributaries.

(B) *For the period July 1, 2015, through June 30, 2017, to the treasurer of state for deposit in the state general fund.*

(2) Forty percent (40%) shall be distributed to the commission to carry out its purposes, including making any distributions or payments to the Lafayette - West Lafayette Convention and Visitors Bureau, Inc.

(3) Ten percent (10%) shall be distributed to a community



development corporation that serves a metropolitan area in the county that includes:

(A) a city having a population of more than ~~fifty-five~~ **sixty-five** thousand (~~55,000~~) (**65,000**) but less than ~~fifty-nine~~ **seventy** thousand (~~59,000~~) (**70,000**); and

(B) a city having a population of more than ~~twenty-eight~~ **twenty-nine** thousand ~~seven five~~ hundred (~~28,700~~) (**29,500**) but less than twenty-nine thousand (~~29,000~~); **six hundred (29,600);**

for the community development corporation's use in tourism, recreation, and economic development activities.

(4) Ten percent (10%) shall be distributed to Historic Prophetstown to be used by Historic Prophetstown for carrying out its purposes.

(5) Ten percent (10%) shall be distributed to the Wabash River Enhancement Corporation to assist the Wabash River Enhancement Corporation in carrying out its purposes.

(c) An advisory commission consisting of the following members is established:

(1) The director of the department of natural resources or the director's designee.

(2) The public finance director or the public finance director's designee.

(3) A member appointed by the Native American Indian affairs commission.

(4) A member appointed by Historic Prophetstown.

(5) A member appointed by the community development corporation described in subsection (b)(3).

(6) A member appointed by the Wabash River Enhancement Corporation.

(7) A member appointed by the commission.

(8) A member appointed by the county fiscal body.

(9) A member appointed by the town board of the town of Battleground.

(10) A member appointed by the mayor of the city of Lafayette.

(11) A member appointed by the mayor of the city of West Lafayette.

(d) The following apply to the advisory commission:

(1) The governor shall appoint a member of the advisory commission as chairman of the advisory commission.

(2) Six (6) members of the advisory commission constitute a quorum. The affirmative votes of at least six (6) advisory commission members are necessary for the advisory commission to take official action other than to adjourn or to meet to hear reports or testimony.

(3) The advisory commission shall make recommendations



concerning the use of any proceeds of bonds issued to finance the development of Prophetstown State Park.

(4) Members of the advisory commission who are state employees:

(A) are not entitled to any salary per diem; and

(B) are entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and to reimbursement for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The Indiana finance authority, in its capacity as the recreational development commission, may issue bonds for the development of Prophetstown State Park under IC 14-14-1.

SECTION 62. IC 6-9-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~seventy-one~~ **sixty-eight** thousand (~~71,000~~) **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400): (70,000).~~

SECTION 63. IC 6-9-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~twenty-five~~ **twenty-four** thousand (~~25,000~~) **five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500): (25,000).~~

SECTION 64. IC 6-9-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~fourteen~~ **fifteen** thousand ~~nine hundred (14,900) (15,000)~~ but less than ~~sixteen~~ **fifteen** thousand (~~16,000): five hundred (15,500).~~

SECTION 65. IC 6-9-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~thirty-one~~ **thirty-two** thousand (~~31,000~~) **(32,000)** but less than thirty-two thousand (~~32,000): five hundred (32,500).~~

SECTION 66. IC 6-9-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand (~~130,000~~) **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand (~~145,000): (135,000).~~

SECTION 67. IC 6-9-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790) (185,000)~~ but less than two hundred **fifty** thousand (~~200,000): (250,000).~~

SECTION 68. IC 6-9-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies



1 to a county having a population of more than one hundred ~~seventy~~
 2 **seventy-five** thousand (~~170,000~~) **(175,000)** but less than one hundred
 3 ~~eighty~~ **eighty-five** thousand (~~180,000~~): **(185,000)**.

4 SECTION 69. IC 6-9-21-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 6 to a county having a population of more than one hundred ~~eighteen~~
 7 **fifteen** thousand (~~118,000~~) **(115,000)** but less than one hundred ~~twenty~~
 8 **twenty-five** thousand (~~120,000~~): **(125,000)**.

9 SECTION 70. IC 6-9-25-1, AS AMENDED BY P.L.158-2005,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a
 12 population of more than ~~forty-seven~~ **forty-eight** thousand (~~47,000~~)
 13 **(48,000)** but less than fifty thousand (50,000).

14 (b) The county described in subsection (a) is unique because:

15 (1) governmental entities and nonprofit organizations in the
 16 county have successfully undertaken cooperative efforts to
 17 promote tourism and economic development; and

18 (2) several unique tourist attractions are located in the county,
 19 including:

20 (A) the Indiana basketball hall of fame;

21 (B) the Wilbur Wright birthplace memorial; and

22 (C) a historic gymnasium.

23 (c) The presence of these unique attractions in the county has:

24 (1) increased the number of visitors to the county;

25 (2) generated increased sales at restaurants and other retail
 26 establishments selling food in the county; and

27 (3) placed increased demands on all local governments for
 28 services needed to support tourism and economic development in
 29 the county.

30 (d) The use of food and beverage tax revenues arising in part from
 31 the presence of the attractions identified in subsection (b)(2) to support
 32 tourism and economic development in the county permits
 33 governmental units in the county to diversify the revenue sources for
 34 which local government improvements and services are funded.

35 SECTION 71. IC 6-9-25-9.5, AS AMENDED BY P.L.158-2005,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 APRIL 1, 2012]: Sec. 9.5. (a) This section applies to revenues from the
 38 county food and beverage tax received by the county after June 30,
 39 1994.

40 (b) Money in the fund established under section 8 of this chapter
 41 shall be used by the county for the financing, construction, renovation,
 42 improvement, equipping, or maintenance of the following capital
 43 improvements:

44 (1) Sanitary sewers or wastewater treatment facilities that serve
 45 economic development purposes.

46 (2) Drainage or flood control facilities that serve economic



- 1 development purposes.
- 2 (3) Road improvements used on an access road for an industrial
- 3 park that serve economic development purposes.
- 4 (4) A covered horse show arena.
- 5 (5) A historic birthplace memorial.
- 6 (6) A historic gymnasium and community center in a town in the
- 7 county with a population greater than two thousand (2,000) but
- 8 less than two thousand ~~four~~ **three** hundred (~~2,400~~): **(2,300)**.
- 9 (7) Main street renovation and picnic and park areas in a town in
- 10 the county with a population greater than two thousand (2,000)
- 11 but less than two thousand ~~four~~ **three** hundred (~~2,400~~): **(2,300)**.
- 12 (8) A community park and cultural center.
- 13 (9) Projects for which the county decides after July 1, 1994, to:
- 14 (A) expend money in the fund established under section 8 of
- 15 this chapter; or
- 16 (B) issue bonds or other obligations or enter into leases under
- 17 section 11.5 of this chapter;
- 18 after the projects described in subdivisions (1) through (8) have
- 19 been funded.
- 20 (10) An ambulance.
- 21 Money in the fund may not be used for the operating costs of any of the
- 22 permissible projects listed in this section. In addition, the county may
- 23 not issue bonds or enter into leases or other obligations under this
- 24 chapter after December 31, 2015.
- 25 (c) The county capital improvements committee is established to
- 26 make recommendations to the county fiscal body concerning the use of
- 27 money in the fund established under section 8 of this chapter. The
- 28 capital improvements committee consists of the following members:
- 29 (1) One (1) resident of the county representing each of the three
- 30 (3) commissioner districts, appointed by the county executive.
- 31 Not more than two (2) of the members appointed under this
- 32 subdivision may be from the same political party.
- 33 (2) Two (2) residents of the county, appointed by the county fiscal
- 34 body. The two (2) appointees may not be from the same political
- 35 party. One (1) appointee under this subdivision must be a resident
- 36 of a town in the county with a population greater than two
- 37 thousand (2,000) but less than two thousand ~~four~~ **three** hundred
- 38 (~~2,400~~): **(2,300)**. One (1) appointee under this subdivision must
- 39 be a resident of a town in the county with a population greater
- 40 than two thousand ~~four~~ **three** hundred (~~2,400~~): **(2,300)**.
- 41 (3) Two (2) residents of the largest city in the county, appointed
- 42 by the municipal executive. The two (2) appointees under this
- 43 subdivision may not be from the same political party. One (1)
- 44 appointee must be interested in economic development.
- 45 (4) Two (2) residents of the largest city in the county, appointed
- 46 by the municipal fiscal body. The two (2) appointees under this



subdivision may not be from the same political party. One (1) appointee must be interested in tourism.

(d) Except as provided in subsection (e), the term of a member appointed to the capital improvements committee under subsection (c) is four (4) years.

(e) The initial terms of office for the members appointed to the county capital improvements committee under subsection (c) are as follows:

(1) Of the members appointed under subsection (c)(1), one (1) member shall be appointed for a term of two (2) years, one (1) member shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years.

(2) Of the members appointed under subsection (c)(2), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(3) Of the members appointed under subsection (c)(3), one (1) member shall be appointed for two (2) years and one (1) member shall be appointed for three (3) years.

(4) Of the members appointed under subsection (c)(4), one (1) member shall be appointed for three (3) years and one (1) member shall be appointed for four (4) years.

(f) At the expiration of a term under subsection (e), the member whose term expired may be reappointed to the county capital improvements committee to fill the vacancy caused by the expiration.

(g) The capital improvements committee is abolished on January 1, 2016.

SECTION 72. IC 6-9-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand (~~130,000~~) (**125,000**) but less than one hundred ~~forty-five~~ **thirty-five** thousand (~~145,000~~): (**135,000**).

SECTION 73. IC 6-9-26-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12.5. (a) This section applies if there are no outstanding obligations for which a pledge has been made under section 15(a) of this chapter concerning uses authorized under section 12 of this chapter.

(b) Money deposited in the county economic development project fund before March 1, 1992, shall be transferred to the following:

(1) Fifty percent (50%) of the money deposited shall be transferred to the fiscal officer of a city having a population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred~~ (~~59,700~~) (**55,000**) but less than ~~sixty-five~~ **sixty** thousand (~~65,000~~): (**60,000**).

(2) Fifty percent (50%) of the money deposited shall be transferred to the county general fund. Money transferred under this subdivision shall be used for:



- 1 (A) economic development projects in locations other than a
- 2 city described in subdivision (1); or
- 3 (B) the following purposes:
- 4 (i) The financing, construction, or equipping of a secure
- 5 detention facility under IC 31-31-8 or IC 31-6-9-5
- 6 (repealed).
- 7 (ii) All reasonable and necessary architectural, engineering,
- 8 legal, financing, accounting, advertising, and supervisory
- 9 expenses related to the financing, construction, or equipping
- 10 of a facility described in item (i).
- 11 (iii) The retiring of any bonds issued, loans obtained, or
- 12 lease payments incurred under IC 36-1-10 to finance,
- 13 construct, or equip a facility described in item (i).
- 14 (c) Except as provided in subsection (d), money deposited in the
- 15 county economic development project fund after February 29, 1992,
- 16 shall be transferred to the following:
- 17 (1) Forty percent (40%) of the money deposited shall be
- 18 transferred to the fiscal officer of a city described in subsection
- 19 (b)(1).
- 20 (2) Forty percent (40%) of the money deposited shall be
- 21 transferred to the county general fund. Money transferred under
- 22 this subdivision shall be used for the following purposes:
- 23 (A) The financing, construction, or equipping of a secure
- 24 detention facility under IC 31-31-8 or IC 31-6-9-5 (repealed).
- 25 (B) All reasonable and necessary architectural, engineering,
- 26 legal, financing, accounting, advertising, and supervisory
- 27 expenses related to the financing, construction, or equipping
- 28 of a facility described in clause (A).
- 29 (C) The retiring of any bonds issued, loans obtained, or lease
- 30 payments incurred under IC 36-1-10 to finance, construct, or
- 31 equip a facility described in clause (A).
- 32 (3) Twenty percent (20%) of the money deposited shall be
- 33 transferred to the county general fund. Money transferred under
- 34 this subdivision shall be used for economic development projects
- 35 in locations other than a city described in subsection (b)(1).
- 36 (d) After the retiring of any bonds issued, loans obtained, or lease
- 37 payments incurred under IC 36-1-10 to finance, construct, or equip a
- 38 secure detention facility under subsection (c)(2), money deposited in
- 39 the county economic development project fund after February 29,
- 40 1992, shall be transferred to the following:
- 41 (1) Seventy percent (70%) of the money deposited shall be
- 42 transferred to the fiscal officer of a city described in subsection
- 43 (b)(1).
- 44 (2) Thirty percent (30%) of the money deposited shall be
- 45 transferred to the county general fund. Money transferred under
- 46 this subdivision shall be used for economic development projects



in locations other than a city described in subsection (b)(1).

(e) Money transferred to a city fiscal officer under subsection (b)(1), (c)(1), or (d)(1) shall be credited to a special account to be known as the city economic development account. Money credited to the account shall be used only for those purposes described in IC 6-3.5-7 (the county economic development income tax).

SECTION 74. IC 6-9-27-1, AS AMENDED BY P.L.214-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

(1) A town:

(A) located in a county having a population of more than ~~sixty-five~~ **sixty** thousand ~~(65,000)~~ **(60,000)** but less than ~~seventy~~ **sixty-eight** thousand ~~(70,000)~~; **nine hundred (68,900)**; and

(B) having a population of more than nine thousand (9,000).

(2) A town:

(A) located in a county having a population of more than ~~thirty-four~~ **thirty-seven** thousand ~~nine one~~ hundred ~~(34,900)~~ **twenty-five (37,125)** but less than ~~thirty-four~~ **thirty-seven** thousand ~~nine five~~ hundred ~~fifty (34,950)~~; **(37,500)**; and

(B) having a population of less than one thousand (1,000).

(3) A town:

(A) located in a county having a population of more than one hundred ~~forty~~ thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000)~~; **(150,000)**; and

(B) having a population of more than ~~fifteen~~ **twenty-five** thousand ~~(15,000)~~; **(25,000)**.

(4) A town:

(A) located in a county having a population of more than one hundred ~~forty~~ thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000)~~; **(150,000)**; and

(B) having a population of more than ~~ten~~ **twenty** thousand ~~(10,000)~~ **(20,000)** but less than ~~fifteen~~ **twenty-five** thousand ~~(15,000)~~; **(25,000)**.

(5) A town:

(A) located in a county having a population of more than one hundred ~~forty~~ thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000)~~; **(150,000)**; and

(B) having a population of more than ~~five~~ **ten** thousand ~~(5,000)~~ **(10,000)** but less than ~~six~~ **twenty** thousand ~~three hundred (6,300)~~; **(20,000)**.

(6) A city having a population of more than eleven thousand ~~five~~ **seven** hundred ~~(11,500)~~ **(11,700)** but less than eleven thousand ~~seven~~ **nine** hundred ~~forty (11,740)~~; **(11,900)**.

SECTION 75. IC 6-9-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies



only to a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred **five fifty** thousand ~~(105,000)~~ **(150,000)**.

SECTION 76. IC 6-9-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a population of more than ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred (42,300)** but less than forty-three thousand (43,000) that had adopted an innkeeper's tax under IC 6-9-18 before July 1, 1999.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 1999, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established under IC 6-9-18 before July 1, 1999, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided under this chapter. The appointing authority shall make other subsequent appointments to the commission as provided under this chapter.

SECTION 77. IC 6-9-36-1, AS ADDED BY P.L.214-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following **counties**:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-five fifty~~ thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight seventy~~ thousand ~~(148,000)~~ **(170,000)**.

SECTION 78. IC 6-9-37-1, AS ADDED BY P.L.214-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies to a county having a population of more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred **five fifty** thousand ~~(105,000)~~ **(150,000)** that had adopted an innkeeper's tax under IC 6-9-18 before July 1, 2005.

(b) The:

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 2005, remain in effect and govern the county's innkeeper's tax until amended under this chapter.

(c) A member of the convention and visitor commission established



under IC 6-9-18 before July 1, 2005, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided in this chapter. The appointing authority shall make other subsequent appointments to the commission as provided in this chapter.

SECTION 79. IC 6-9-38-1, AS ADDED BY P.L.214-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a county having a population of more than ~~seventy-one sixty-eight~~ thousand ~~(71,000)~~ **nine hundred (68,900)** but less than ~~seventy-one~~ **seventy** thousand ~~four hundred (71,400): (70,000).~~

SECTION 80. IC 7.1-3-1-25, AS AMENDED BY P.L.165-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A **second class** city. ~~of the second class.~~

(3) A county having a population of more than one hundred ~~eighty-two eighty-five~~ thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty** thousand ~~(200,000): (250,000).~~

(4) A county having a population of more than one hundred ~~seventy seventy-five~~ thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty eighty-five~~ thousand ~~(180,000): (185,000).~~

(5) A county having a population of more than one hundred ~~thirty twenty-five~~ thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five thirty-five~~ thousand ~~(145,000): (135,000).~~

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than ~~five four~~ thousand ~~one nine hundred thirty-five (5,135)~~ **fifty (4,950)** but less than five thousand ~~two hundred (5,200): (5,000).~~

(8) A county having a population of more than one hundred ~~twenty thirty-five~~ thousand ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty thirty-eight~~ thousand ~~(130,000): (138,000).~~

(9) A county having a population of more than ~~one two~~ hundred ~~eighty seventy~~ thousand ~~(180,000)~~ **(270,000)** but less than ~~one three~~ hundred ~~eighty-two~~ thousand ~~seven hundred ninety (182,790): (300,000).~~



(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that owns a golf course may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than ~~thirty-two~~ **twenty-nine** thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight nine~~ hundred (~~32,800~~); **(29,900)**; and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection



applies to the following cities:

(1) A city having a population of more than ~~ninety eight~~ thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five eight~~ thousand ~~(105,000)~~; **four hundred (80,400)**.

(2) A city having a population of more than ~~seventy-five eight~~ thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety one hundred~~ thousand ~~(90,000)~~; **(100,000)**.

(3) A city having a population of more than ~~thirty-two thirty-one~~ thousand ~~eight hundred (32,800)~~ **(31,000)** but less than ~~thirty-three thirty-one~~ thousand ~~(33,000)~~; **five hundred (31,500)**.

(4) A city having a population of more than ~~thirty-three thirty-six~~ thousand ~~(33,000)~~ **eight hundred twenty-five (36,825)** but less than ~~thirty-six forty~~ thousand ~~(36,000)~~; **(40,000)**.

(5) A city having a population of more than ~~twenty-seven forty-four~~ thousand ~~(27,000)~~ **five hundred (44,500)** but less than ~~twenty-seven forty-five~~ thousand ~~four hundred (27,400)~~; **(45,000)**.

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

(1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 81. IC 7.1-3-20-26, AS ADDED BY P.L.10-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 26. (a) The commission may issue a one-way, two-way, or three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the owner of an indoor theater that:

(1) is located in a city having a population of more than ~~two one~~ hundred ~~fifty~~ thousand ~~(200,000)~~ **(150,000)** but less than ~~three~~ **five** hundred thousand ~~(300,000)~~; **(500,000)**; and

(2) has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended. A permit issued under this subsection may not be transferred.

(b) A permit issued under this section is subject to the quota requirements of IC 7.1-3-22-3.

SECTION 82. IC 8-1-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 103. (a) No public utility, or agent or officer thereof, or officer of any municipality constituting a public utility, as defined in this chapter, may charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered, or for any



1 service in connection therewith, than that prescribed in the published
 2 schedules or tariffs then in force or established as provided herein, or
 3 than it charges, demands, collects, or receives from any other person
 4 for a like and contemporaneous service. A person who recklessly
 5 violates this subsection commits a Class A misdemeanor.

6 (b) Notwithstanding subsection (a), if a city of less than twenty
 7 thousand (20,000) in population according to the most recent federal
 8 decennial census, constituting a public water utility, and acting as a
 9 public utility prior to May 1, 1913, either as such city, or by any
 10 commercial association, chamber of commerce, or committee with the
 11 consent of such city, entered into any agreement with any person
 12 engaged in manufacturing any articles of commerce to furnish free
 13 water for a certain limited time as an inducement to such person so
 14 engaged in manufacturing to locate the establishment or manufacturing
 15 plant of such person within such city, such city may carry out such
 16 agreement to furnish free water to such person for the period of time
 17 remaining, as stipulated in such contract. This chapter does not prohibit
 18 any public utility from supplying or furnishing free service or service
 19 at special rates to any municipality, or any institution or agency of such
 20 municipality, in cases where the supplying or furnishing of such free
 21 service or service at special rates is stipulated in any provision of the
 22 franchise under which such public utility was operating before May 16,
 23 1919, or, in the event that such franchise shall have been surrendered,
 24 from supplying or furnishing such free service or service at special
 25 rates until such time as the franchise would have expired had it not
 26 been surrendered under this chapter; and it shall be the duty of any
 27 utility operating under any franchise, stipulating for free service or
 28 service at special rates to **the** municipality, or any institution or agency
 29 of such municipality, to furnish such free service or service at special
 30 rates.

31 (c) This subsection applies to a public utility that provides water for
 32 public fire protection services in both a county containing a
 33 consolidated city and in portions of counties that are adjacent to the
 34 county containing a consolidated city. This subsection applies
 35 throughout the territory served by the public utility. In the case of a
 36 public utility furnishing water and beginning on January 1, 1994, the
 37 charges for the production, storage, transmission, sale and delivery, or
 38 furnishing of water for public fire protection purposes shall be included
 39 in the basic rates of the customers of the public utility. However, the
 40 construction cost of any fire hydrant installed after December 31, 1993,
 41 at the request of a municipality, township, county, or other
 42 governmental unit shall be paid for by or on behalf of the municipality,
 43 township, county, or other governmental unit. The change in the
 44 recovery of current revenue authorized by this section shall be reflected
 45 in a new schedule of rates to be filed with the commission at least thirty
 46 (30) days before the time the new schedule of rates is to take effect.



1 The new schedule of rates shall:

2 (1) eliminate fire protection charges billed directly to
3 governmental units, other than charges for the construction cost
4 for new hydrants installed after December 31, 1993; and

5 (2) increase the rates charged each customer of the utility, based
6 on equivalent meter size, by an amount equal to:

7 (A) the revenues lost from the elimination of such fire
8 protection charges; divided by

9 (B) the current number of equivalent five-eighths (5/8) inch
10 meters.

11 This change in the recovery of public fire protection costs shall not be
12 considered to be a general increase in basic rates and charges of the
13 public utility and is not subject to the notice and hearing requirements
14 applicable to general rate proceedings. The commission shall approve
15 the new schedule of rates that are to be effective January 1, 1994.

16 (d) This subsection applies to a public utility or a municipally
17 owned water utility that is not subject to subsection (c). Except as
18 provided in subsection (e), in the case of a public utility or municipally
19 owned water utility furnishing water, if the governing body of any
20 municipality within the service area of the utility adopts an ordinance
21 providing that costs shall be recovered under this subsection, the
22 charges for the production, storage, transmission, sale and delivery, or
23 furnishing of water for public fire protection purposes shall be included
24 in the basic rates of all customers of the utility within the municipality.
25 However, on or after a date specified in the ordinance, the construction
26 cost of any fire hydrant installed at the request of a municipality,
27 township, county, or other governmental unit that adopts an ordinance
28 under this subsection shall be paid for by or on behalf of the
29 municipality, township, county, or other governmental unit. The change
30 in the recovery of current revenue authorized by the ordinance shall be
31 reflected in a new schedule of rates to be filed with the commission at
32 least thirty (30) days before the time the new schedule of rates is to take
33 effect. The new schedule of rates shall:

34 (1) eliminate fire protection charges billed directly to
35 governmental units, other than charges for the construction cost
36 for new hydrants installed on and after the date specified in the
37 ordinance; and

38 (2) increase the rates charged each customer of the utility, based
39 on equivalent meter size, by an amount equal to:

40 (A) the revenues lost from the elimination of such fire
41 protection charges; divided by

42 (B) the current number of equivalent five-eighths (5/8) inch
43 meters.

44 This change in the recovery of public fire protection costs shall not be
45 considered to be a general increase in basic rates and charges of the
46 utility and is not subject to the notice and hearing requirements



1 applicable to general rate proceedings. The commission shall approve
 2 the new schedule of rates that are to be effective on a date specified in
 3 the ordinance.

4 (e) This subsection applies to a municipally owned water utility in
 5 a city having a population of more than fifty thousand (50,000) but less
 6 than ~~fifty-five~~ **fifty-one** thousand (~~55,000~~): **(51,000)**. The city may
 7 adopt a plan to recover costs as described in subsection (d) without
 8 passing an ordinance, if the plan applies only to customers of the utility
 9 residing in a county having a population of more than two hundred **fifty**
 10 thousand (~~200,000~~) **(250,000)** but less than ~~three two~~ hundred **seventy**
 11 thousand (~~300,000~~): **(270,000)**. If the city wishes to adopt such a plan,
 12 the city shall file a new schedule of rates with the commission, but is
 13 not subject to commission approval of the rates.

14 (f) In the case of a change in the method of recovering public fire
 15 protection costs under an ordinance adopted under subsection (d):

16 (1) on or after July 1, 1997, a customer of the utility located
 17 outside the limits of a municipality whose property is not located
 18 within one thousand (1,000) feet of a fire hydrant (measured from
 19 the hydrant to the nearest point on the property line of the
 20 customer) must be excluded from the increase in rates attributable
 21 to the change and must not be included in the number of
 22 equivalent five-eighths (5/8) inch meters for purposes of
 23 subsection (d)(2)(B); or

24 (2) before July 1, 1997, the commission may:

25 (A) in the context of a general rate proceeding initiated by the
 26 utility; or

27 (B) upon petition of:

28 (i) the utility;

29 (ii) the governmental unit that passed the ordinance; or

30 (iii) an affected customer;

31 prospectively exclude public fire protection costs from the rates
 32 charged to customers located outside the limits of any
 33 municipality whose property is not located within one thousand
 34 (1,000) feet of a fire hydrant (measured from the hydrant to the
 35 nearest point on the property line of the customer) if the
 36 commission authorizes a simultaneous increase in the rates of the
 37 utility's other customers to the extent necessary to prevent a loss
 38 of revenues to the utility.

39 An increase in the rates of the utility's other customers under
 40 subdivision (2) may not be construed to be a general increase in basic
 41 rates and charges of the utility and is not subject to the hearing
 42 requirements applicable to general rate proceedings. This subsection
 43 does not prohibit the commission from adopting different methods of
 44 public fire protection cost recovery for unincorporated areas after
 45 notice and hearing within the context of a general rate proceeding or
 46 other appropriate proceeding.



SECTION 83. IC 8-1-2.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Except as provided under subsection (c) or section 15 of this chapter, when a utility successfully withdraws from commission jurisdiction, the commission does not have authority to regulate the following:

- (1) Rates and charges.
- (2) Stocks, bonds, notes, or other evidence of indebtedness.
- (3) Rules.
- (4) The annual report filing requirement.

(b) When the number of patrons served by a withdrawn utility described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches five thousand (5,000), the utility:

- (1) becomes subject to the annual report filing requirement described in IC 8-1-2-16; and
- (2) shall immediately notify the commission of the number of patrons served by the utility.

Upon receiving notice under subdivision (2), the commission may reassert jurisdiction over the utility, in whole or in part, after notice and hearing if the commission finds that the public interest so requires.

(c) As used in this subsection, "utility" refers to a utility described in section 1.3(a)(1)(B) of this chapter that is located in a county having a population of more than sixteen thousand ~~seven hundred (16,700)~~ **(16,000)** but less than seventeen thousand (17,000). When one (1) utility has successfully withdrawn from commission jurisdiction under this chapter, upon the filing of a complaint by another utility that has not withdrawn from commission jurisdiction under this chapter, the commission shall reassert jurisdiction over the withdrawn utility with respect to the withdrawn utility's:

- (1) rates and charges;
- (2) rules; and
- (3) operating and territorial authority;

that have been or may be established concerning the purchase of water for resale by the complaining utility from the withdrawn utility. The rates and charges described in subdivision (1) are subject to the requirements of IC 8-1-2-125. The burden of proof that the rates and charges described in subdivision (1) comply with IC 8-1-2-125 is on the withdrawn utility.

SECTION 84. IC 8-1.5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. The department of waterworks has jurisdiction over a special taxing district (referred to as "the waterworks district" in this chapter) that consists of:

- (1) in the case of a second class city located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)**, all the territory within that county; or



(2) in the case of any other municipality, all the territory within the corporate boundaries of the municipality, or the territory served by the waterworks if larger or smaller than the corporate boundaries.

SECTION 85. IC 8-1.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) This subsection applies to a municipality that is not subject to IC 8-1-2-103(c) or has not adopted an ordinance to become subject to IC 8-1-2-103(d). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes or by maintaining hydrants and other facilities for fire protection shall be:

(1) charged against the municipality; and

(2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

(b) This subsection applies to a municipality that is subject to IC 8-1-2-103(c), that has adopted an ordinance to become subject to IC 8-1-2-103(d), or that has adopted a plan described in IC 8-1-2-103(d) as prescribed in IC 8-1-2-103(e). The reasonable cost and value of any service rendered to the municipality by the waterworks by furnishing water for public purposes shall be:

(1) charged against the municipality; and

(2) paid for in monthly installments as the service accrues out of the current revenues of the municipality, collected or in process of collection, and the tax levy of the municipality made by it to raise money to meet its necessary current expenses.

Except as provided in subsection (d), the cost and value of maintaining hydrants and other facilities for fire protection shall be excluded from the charges against the municipality and shall be recovered from the other customers of the waterworks beginning on January 1, 1994, in a municipality subject to IC 8-1-2-103(c) and beginning on a date provided in the ordinance for a municipality that adopts an ordinance under IC 8-1-2-103(d). The change in the recovery of current revenue authorized by this section shall be reflected in a schedule of new rates to be filed with the commission at least thirty (30) days before the time the schedule of new rates is to take effect.

(c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be paid into the separate and special fund created by setting aside the income and revenues of the waterworks and is subject to apportionment to the operating, maintenance, depreciation, and bond and interest redemption accounts.

(d) This subsection applies to a city having a population of more than ~~forty-six thousand four hundred~~ **forty-seven thousand five hundred** (~~46,500~~) (**47,000**) but less than ~~fifty thousand~~ **forty-nine thousand** (~~50,000~~) (**49,000**). The cost and value of maintaining hydrants and other facilities for fire protection



may be recovered from customers of the waterworks residing **in either of the following, beginning on a date determined by the city:**

(1) In a county having a population of more than two hundred **fifty thousand (200,000) (250,000)** but less than ~~three two~~ hundred **seventy thousand (300,000); (270,000).** ~~and~~

(2) In a township having a population of more than ~~seven nine~~ thousand **five hundred (7,500) (9,000)** but less than nine thousand ~~(9,000)~~ **five hundred (9,500)** located in a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety (182,790)~~ **(185,000)** but less than two hundred **fifty thousand (200,000); (250,000).**

~~beginning on a date determined by the city.~~ The city shall file a new schedule of rates with the commission as set forth in subsection (b), but is not subject to commission approval of the rates.

SECTION 86. IC 8-9.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) ~~A:~~ **The following may create, by an ordinance adopted by its legislative body, an automated transit district:**

(1) ~~A consolidated city. or~~

(2) ~~A city having a population of more than one hundred five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten thousand (120,000); (110,000).**

~~may create, by an ordinance adopted by its legislative body, an automated transit district.~~ The ordinance creating an automated transit district must specify the territory to be included initially in the district.

(b) An automated transit district may also be created by the procedures provided in sections 2 and 3 of this chapter.

SECTION 87. IC 8-10-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) A port authority created in accordance with the provisions of this chapter shall be governed by a board of directors. Except as provided in subsection (c), members of a board of directors of a port authority created by the exclusive action of a municipal corporation shall consist of the number of members it deems necessary and be appointed by the mayor with the advice and consent of the common council. Members of a board of directors of a port authority created by the exclusive action of a county shall consist of such members as it deems necessary and be appointed by the county commissioners of such county. Members of a board of directors of a port authority created by a combination of political subdivisions shall be divided among such political subdivisions in such proportions as such political subdivisions may agree and appointed in the same manner as this section provides for their appointment when such political subdivision creates its own port authority. When a port authority is created by a combination of political subdivisions, the number of directors composing the board shall be determined by agreement between such political subdivisions.



(b) In the case of a port authority created under section 2 of this chapter in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of directors shall consist of seven (7) members, three (3) of whom shall be appointed by the board of county commissioners, one (1) each by the mayors of the three (3) cities in the county having the largest populations, and the mayor of the city having the largest population shall appoint any remaining member or members. The board shall be appointed as follows:

(1) The mayors of the three (3) cities in the county having the largest populations shall each make one (1) appointment.

(2) The board of county commissioners shall make its three (3) appointments following the naming of the city appointees and appoint persons of such political faith as to make the board of directors a bipartisan body.

(3) If a city is entitled to a second appointment, the mayor shall make the appointment subject to retaining the board's bipartisan status.

(4) In no event may more than three (3) board members residing in the same city serve on said board at the same time.

(5) In no event may more than four (4) members of one (1) political party serve on the board at the same time.

(c) This subsection applies to a port authority created under section 2 of this chapter by the exclusive action of a municipal corporation in a city having a population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety one hundred~~ thousand ~~(90,000)~~ **(100,000)**. The board of directors of the port authority consists of five (5) members appointed as follows:

(1) Three (3) members appointed by the mayor of the city.

(2) Two (2) members appointed by the legislative body of the city.

(d) The appointing authority may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

(e) At the time of appointment, a director must be a resident of one (1) of the following:

(1) The political subdivision from which the director is appointed.

(2) The county within which the port authority is established.

At all times, a majority of the directors must be residents of the political subdivisions from which the members are appointed.

(f) The directors of any port authority first appointed shall serve staggered terms. Thereafter each successor shall serve for a term of four (4) years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term and any director shall be eligible for reappointment.

(g) The directors shall elect one (1) of their membership as chairman, and another as vice chairman, and shall designate their terms of office, and shall appoint a secretary who need not be a director. A



majority of the board of directors shall constitute a quorum the affirmative vote of which shall be necessary for any action taken by the port authority. No vacancy in the membership of the board shall impair the rights of a quorum to exercise all the rights and perform all the duties of the port authority.

(h) Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for the member's service as director and reimbursement for the member's reasonable expenses in the performance of the member's duties.

SECTION 88. IC 8-10-5-8.5, AS AMENDED BY P.L.49-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. Port authorities created in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), shall have all the powers of port authorities provided under section 8 of this chapter except the power to exercise eminent domain as provided in section 8(7) **8(a)(7)** of this chapter in any city having a population of:

(1) more than ~~seventy-five~~ **eighty** thousand (~~75,000~~) **five hundred (80,500)** but less than ~~ninety one~~ **hundred** thousand (~~90,000~~); **(100,000)**; or

(2) more than ~~thirty-two~~ **twenty-nine** thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand **eight nine** hundred (~~32,800~~); **(29,900)**.

SECTION 89. IC 8-10-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a city having a population of more than ~~thirty-two~~ **twenty-nine** thousand (~~32,000~~) **six hundred (29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand **eight nine** hundred (~~32,800~~); **(29,900)**.

SECTION 90. IC 8-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. For purposes of this chapter, "qualified county" means a county having a population of:

(1) more than ~~fifty~~ **fifty-seven** thousand (~~50,000~~) **(57,000)** but less than ~~fifty-five~~ **sixty** thousand (~~55,000~~); **(60,000)**;

(2) more than ~~thirty-nine~~ **forty** thousand ~~six hundred~~ (~~39,600~~) **(40,000)** but less than ~~forty~~ **forty-two** thousand (~~40,000~~); **(42,000)**;

(3) more than ~~thirty-two~~ **thirty-three** thousand (~~32,000~~) **five hundred (33,500)** but less than ~~thirty-three~~ **thirty-four** thousand (~~33,000~~); **(34,000)**;

(4) more than ~~twenty-nine~~ **thirty** thousand (~~29,000~~) **(30,000)** but less than ~~thirty~~ **thirty-two** thousand (~~30,000~~); **(32,000)**;

(5) more than ~~twenty-seven~~ **twenty-five** thousand (~~27,000~~) **eight hundred (25,800)** but less than ~~twenty-seven~~ **twenty-six** thousand ~~two hundred~~ (~~27,200~~); **(26,000)**;

(6) more than eighteen thousand ~~three hundred~~ (~~18,300~~) **(18,000)**



but less than nineteen thousand ~~three five~~ hundred (~~19,300~~);
(19,500);
 (7) more than twenty thousand ~~three nine~~ hundred (~~20,300~~)
(20,900) but less than ~~twenty twenty-one~~ thousand ~~five hundred~~
~~(20,500);~~ **(21,000);**
 (8) more than twelve thousand (~~12,000~~) **eight hundred (12,800)**
 but less than thirteen thousand ~~five hundred~~ (~~13,500~~); **(13,000);**
 (9) more than ten thousand (10,000) but less than ten thousand
seven five hundred (~~10,700~~); **(10,500);** or
 (10) more than ten thousand seven hundred (10,700) but less than
 twelve thousand (12,000).

SECTION 91. IC 8-14-16-1, AS ADDED BY P.L.47-2006,
 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 APRIL 1, 2012]: Sec. 1. This chapter applies only to the following
 counties:

- (1) A county having a population of more than ~~thirty-three~~
thirty-four thousand ~~two hundred~~ (~~33,200~~) **(34,000)** but less than
~~thirty-three~~ **thirty-four** thousand ~~six three~~ hundred (~~33,600~~);
(34,300).
- (2) A county having a population of more than ~~thirty-four~~
thirty-seven thousand ~~nine one~~ hundred (~~34,900~~) **twenty-five**
(37,125) but less than ~~thirty-four~~ **thirty-seven** thousand ~~nine five~~
 hundred ~~fifty~~ (~~34,950~~); **(37,500).**
- (3) A county having a population of more than one hundred ~~ten~~
eleven thousand (~~110,000~~) **(111,000)** but less than one hundred
 fifteen thousand (115,000).
- (4) A county having a population of more than one hundred
~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ (~~182,790~~)
(185,000) but less than two hundred **fifty** thousand (~~200,000~~);
(250,000).
- (5) A county having a population of more than two hundred **fifty**
 thousand (~~200,000~~) **(250,000)** but less than ~~three two~~ hundred
seventy thousand (~~300,000~~); **(270,000).**
- (6) A county having a population of more than one hundred
~~forty-five~~ **fifty** thousand (~~145,000~~) **(150,000)** but less than one
 hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~); **(170,000).**
- (7) A county having a population of more than four hundred
 thousand (400,000) but less than seven hundred thousand
 (700,000).

SECTION 92. IC 8-15-2-1, AS AMENDED BY P.L.163-2011,
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 APRIL 1, 2012]: Sec. 1. (a) In order to remove the handicaps and
 hazards on the congested highways in Indiana, to facilitate vehicular
 traffic throughout the state, to promote the agricultural and industrial
 development of the state, and to provide for the general welfare by the
 construction of modern express highways embodying safety devices,



including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

(1) subject to subsection (d), construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain improvements for manufacturing, commercial, or public transportation activities within a county through which a toll road passes;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within a county through which a toll road passes and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) finance improvements necessary for developing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) Before the authority or an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five one hundred~~ **one hundred** thousand (~~75,000~~) **(100,000)** and less than ~~ninety-three one hundred ten thousand five hundred~~ **(93,500): (110,000) located in a county having a consolidated city.**

(2) Imposing tolls on motor vehicles for use of Interstate Highway



69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

SECTION 93. IC 8-15-3-9, AS AMENDED BY P.L.163-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) Subject to subsection (e), the governor must approve the location of any tollway.

(b) The department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

(1) adjacent or appurtenant to a tollway; or

(2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

(1) is adjacent to, appurtenant to, or interchanges with a tollway; or

(2) intersects with a road or street that interchanges with a tollway.

(e) Before the governor, the department, or an operator may carry out any of the following activities under this chapter, the general assembly must enact a statute authorizing that activity:

(1) Approve the location of a tollway other than a tollway that is approved before July 1, 2011.

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five~~ **one hundred** thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three~~ **one hundred ten** thousand ~~five hundred (93,500):~~ **(110,000) located in a county having a consolidated city.**

(3) Impose tolls on motor vehicles for use of Interstate Highway 69.

(f) Notwithstanding subsection (e), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the governor, the department, or an operator to approve the location of a tollway with respect to the following projects:

(1) A project on which construction begins after June 30, 2011,



not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

SECTION 94. IC 8-15.5-1-2, AS AMENDED BY P.L.163-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate



highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five one hundred~~ thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three one hundred ten~~ thousand ~~five hundred~~ ~~(93,500)~~ **(110,000)** located in a county having a consolidated city.

(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

SECTION 95. IC 8-15.7-1-5, AS AMENDED BY P.L.163-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, before the department, the authority, or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Subject to subsection (d), and after June 30, 2011, issuing a request for proposals for, or entering into, a public-private agreement concerning a project.

(2) Carrying out construction for Interstate Highway 69 in a township having a population of more than ~~seventy-five one hundred~~ thousand ~~(75,000)~~ **(100,000)** and less than ~~ninety-three one hundred ten~~ thousand ~~five hundred~~ ~~(93,500)~~ **(110,000)** located in a county having a consolidated city.

(3) Imposing user fees on motor vehicles for use of Interstate Highway 69.

(c) Notwithstanding subsection (b) or any other law, the department or the authority may enter into a public-private agreement concerning a project consisting of a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and



appropriation by the general assembly. However, this subsection does not prohibit the department from:

- (1) conducting preliminary studies that the department considers necessary to determine the feasibility of such a project; or
- (2) issuing a request for qualifications or a request for proposals, or both, under IC 8-15.7-4 for such a project.

(d) Notwithstanding subsection (b), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the department, the authority, or an operator to issue a request for proposals for, or enter into, a public-private agreement for the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

SECTION 96. IC 8-16-3.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) As used in this chapter, "eligible county" means a county that has:

- (1) a population of more than one hundred thousand (100,000) but less than seven hundred thousand (700,000); and
- (2) a major obstruction between commercial or population centers which is capable of causing an economic hardship because of excess travel required to conduct a normal level of commerce between the two (2) centers.

A major obstruction which is a part of a county boundary or a state boundary does not qualify for the purpose of this chapter.

(b) As used in this chapter, "major bridge" means the following:

- (1) A structure that is two hundred (200) or more feet in length and that is erected over a depression or an obstruction for the purpose of carrying motor vehicular traffic or other moving loads. However, the structure shall be one hundred (100) or more feet in length in a city having ~~the any of the~~ following ~~population:~~

populations:

(A) More than ~~fifty-five~~ **sixty-five** thousand (~~55,000~~) (**65,000**) but less than ~~fifty-nine~~ **seventy** thousand (~~59,000~~) (**70,000**).

(B) More than ~~fifty-nine~~ **sixty** thousand (~~59,000~~) (**60,000**) but



1 less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred~~
 2 ~~(59,700)~~ **(65,000)**.

3 (C) More than ~~thirty-two~~ **thirty-one** thousand ~~eight hundred~~
 4 ~~(32,800)~~ **(31,000)** but less than ~~thirty-three~~ **thirty-one**
 5 thousand ~~(33,000)~~ **five hundred (31,500)**.

6 (2) An underpass of any length that is designed to carry motor
 7 vehicle traffic or other moving loads.

8 (c) As used in this chapter, "major obstruction" means a physical
 9 barrier to the passage of motor vehicle traffic that inhibits the use of the
 10 customary highway construction techniques to bridge the barrier
 11 without use of a grade separation structure.

12 SECTION 97. IC 8-22-2-1, AS AMENDED BY P.L.134-2005,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 APRIL 1, 2012]: Sec. 1. (a) Whenever the fiscal body of an eligible
 15 entity adopts an ordinance or a resolution in favor of the acquisition,
 16 improvement, operation, or maintenance of an airport or landing field
 17 for the entity under this chapter, and declaring a necessity for the
 18 airport or landing field, then on the effective date of the ordinance or
 19 resolution, there is established as an executive department of the entity
 20 a department of aviation, under the control of a board to be known as
 21 the board of aviation commissioners.

22 (b) The following apply to a board of aviation commissioners
 23 established under this chapter:

24 (1) Except as provided in subsections (e), (f), and (g), the board
 25 consists of four (4) members.

26 (2) Except as provided in subsection (e), the executive of the
 27 entity shall appoint the members of the board.

28 (3) Except as provided in subsections (f) and (g), not more than
 29 two (2) of the members of the board may be of the same political
 30 party.

31 (c) The fiscal body of the entity may provide a per diem for the
 32 members of the board in any amount not exceeding thirty-five dollars
 33 (\$35) for each whole or part day a member is engaged in board
 34 activities. The members of the board shall also be paid their actual
 35 expenses, which may include the expenses of the members or
 36 employees of the board in attending meetings or conventions held to
 37 discuss aviation matters.

38 (d) Before beginning the duties of office, each board member shall
 39 take and subscribe the usual oath of office, to be endorsed upon the
 40 certificate of appointment, and shall cause that to be filed with the clerk
 41 or other officer performing duties similar to that of clerk in the entity.
 42 Any person who does not file the oath with the clerk or other officer
 43 performing duties similar to that of the clerk within thirty (30) days
 44 after the beginning of the term for which the person has been
 45 appointed, or at the date of the person's appointment, if appointed after
 46 the beginning of the term, is considered to have refused to serve and



1 the office becomes vacant.

2 (e) Notwithstanding subsection (b), if a county having a population
3 of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less
4 than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~ **(270,000)** has
5 established a board, the county council and the mayors of the two (2)
6 cities in the county having the largest populations may each appoint
7 one (1) additional member to the board, thereby creating a board
8 consisting of a total of seven (7) members. The three (3) additional
9 members serve in the same manner, are accorded the same status, and
10 perform the same duties as the four (4) initial board members, and
11 serve terms of four (4) years. If either the county council or either of
12 the two (2) mayors fails to make appointments to the board, that fact
13 does not prejudice appointments that may be made by the other
14 appointing authority or authorities.

15 (f) This subsection applies to the following:

16 (1) A county having a population of more than ~~ninety one~~
17 **hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one
18 hundred **eleven** thousand ~~(100,000)~~ **(111,000)**.

19 (2) A county having a population of more than ~~thirty-six~~
20 **thirty-seven** thousand ~~(36,000)~~ **five hundred (37,500)** but less
21 than ~~thirty-six~~ **thirty-eight** thousand ~~seventy-five (36,075)~~
22 **(38,000)**.

23 Notwithstanding subsection (b), if a county has established a board
24 under this chapter, the county executive may add one (1) additional
25 member to the board so that the board has a total of five (5) members.
26 Not more than three (3) of the five (5) members of the board may be of
27 the same political party. The one (1) additional member shall serve in
28 the same manner, be accorded the same status, and perform the same
29 duties as the four (4) initial members, and serve a four (4) year term.

30 (g) This subsection does not apply to a board subject to subsection
31 (e) or (f). Notwithstanding subsection (b), the fiscal body of an eligible
32 entity may adopt an ordinance or a resolution providing that the board
33 consists of five (5) members. If the board consists of five (5) members,
34 not more than three (3) members may be of the same political party.

35 SECTION 98. IC 8-22-3-1.1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1.1. (a)
37 Notwithstanding section 1 of this chapter, an airport authority is
38 established in a **Allen** County. ~~having a population of more than three~~
39 ~~hundred thousand (300,000) but less than four hundred thousand~~
40 ~~(400,000)~~.

41 (b) For the purposes of this chapter, an authority established under
42 this section shall be treated as if it had been established by an
43 ordinance of the fiscal body of the county. However, section 2 of this
44 chapter does not apply to such an authority.

45 (c) The name of an authority established under this section is
46 ~~"(name of second class city)-(name of county) the "~~**Fort Wayne-Allen**



1 **County Airport Authority".**

2 SECTION 99. IC 8-22-3-4, AS AMENDED BY P.L.134-2005,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 APRIL 1, 2012]: Sec. 4. (a) Except as provided in subsections (b), (c),
5 (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists
6 of four (4) members, whenever the fiscal body of an eligible entity,
7 acting individually, establishes an authority. The members of the board
8 shall be appointed by the executive of the entity, and not more than two
9 (2) members of the board may be of the same political party.

10 (b) In the event that two (2) cities or one (1) city and one (1) town
11 act jointly to establish an authority under this chapter, the board
12 consists of five (5) members. The executive of each city or town shall
13 each appoint two (2) members to the board. The county executive shall
14 appoint one (1) member to the board. Each member appointed by an
15 executive must be of a different political party than the other appointed
16 member.

17 (c) In the event that an authority is established by a city or town and
18 a county, acting jointly, the board consists of six (6) members. The
19 executive of each entity shall appoint three (3) members. Not more
20 than two (2) members appointed by each executive may be of the same
21 political party.

22 (d) In the event that an authority was established under IC 19-6-3
23 (before its repeal on April 1, 1980) the board consists of five (5)
24 members. Three (3) members of the board shall be appointed by the
25 mayor of the city, and two (2) members of the board shall be appointed
26 by the board of commissioners of the county. Not more than two (2)
27 members representing the city may be members of the same political
28 party, and not more than one (1) member representing the county may
29 be a member of the same political party.

30 (e) Except as provided in section 4.1(b)(3) of this chapter, the
31 county executive of each Indiana county that is adjacent to a county
32 establishing an authority under this chapter and in which the authority
33 owns real property may appoint one (1) advisory member to the board.
34 An advisory member who is appointed under this subsection:

- 35 (1) must be a resident of the adjacent county;
- 36 (2) may not vote on any matter before the board;
- 37 (3) serves at the pleasure of the appointing authority; and
- 38 (4) serves without compensation or payment for expenses.

39 (f) The board of an authority established in a city ~~that has~~ **having** a
40 population of more than sixteen thousand ~~six four~~ hundred ~~(16,600)~~
41 **(16,400)** but less than seventeen thousand ~~four hundred~~ **(17,000)**
42 **(17,000)** consists of five (5) members. The members of the board shall
43 be appointed by the executive of the eligible entity, and not more than
44 three (3) members of the board may be of the same political party.

45 (g) This subsection does not apply to a board subject to subsection
46 (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of



an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

SECTION 100. IC 8-22-3-4.1, AS AMENDED BY P.L.139-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

(1) The mayor of the consolidated city shall appoint five (5) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.

(2) The majority leader of the legislative body of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

(A) The county is adjacent to the county having the consolidated city.

(B) The county has a population of:

(i) more than one hundred **forty** thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000); (150,000);~~

(ii) more than ~~fifty-five~~ **seventy** thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000); fifty~~ **(70,050);** or

(iii) more than ~~one two~~ **eighty** ~~seventy~~ thousand ~~(180,000)~~ **(270,000)** but less than ~~one three~~ **hundred** ~~eighty-two~~ thousand ~~seven hundred ninety~~ ~~(182,790);~~ **(300,000).**

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under section 4(e) of this chapter.

Not more than three (3) members appointed under subdivision (1) may be members of the same political party.

(c) The member of the board appointed under subsection (b)(2) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than ~~twenty-five~~ **fifty** thousand ~~(25,000); (50,000);~~ or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred ~~fifty~~ **forty** thousand ~~(150,000);~~ **(140,000).**

(d) A member of the board appointed under subsection (b)(3)(B)(i)



1 must be a resident of a township:

- 2 (1) located in the county making the appointment; and
 3 (2) having a population of more than ~~twenty~~ **twenty-five** thousand
 4 ~~(20,000)~~ **(25,000)** but less than ~~twenty-five~~ **twenty-eight**
 5 thousand ~~(25,000)~~ **(28,000)**.

6 (e) The county executive of a county that is not otherwise
 7 represented on the board and that is located not more than one
 8 thousand two hundred (1,200) feet from a certified air carrier airport
 9 that is owned or operated by the authority may appoint one (1) advisory
 10 member to the board. An advisory member appointed under this
 11 subsection:

- 12 (1) must be a resident of:
 13 (A) the county making the appointment; and
 14 (B) one (1) of the two (2) townships in the county located
 15 nearest to the airport;
 16 (2) may not vote on any matter before the board;
 17 (3) serves at the pleasure of the appointing authority; and
 18 (4) serves without compensation or payment for expenses.

19 (f) A member of the board holds office for four (4) years and until
 20 the member's successor is appointed and qualified.

21 (g) If a vacancy occurs in the board, the authority that appointed the
 22 member that vacated the board shall appoint an individual to serve for
 23 the remainder of the unexpired term.

24 (h) A board member may be reappointed to successive terms.

25 (i) A board member may be impeached under the procedure
 26 provided for the impeachment of county officers.

27 (j) A board member appointed under subsection (b)(3) may not vote
 28 on a matter before the board relating to imposing, increasing, or
 29 decreasing property taxes in the county having the consolidated city.

30 SECTION 101. IC 8-22-3.5-1, AS AMENDED BY
 31 P.L.182-2009(ss), SECTION 271, IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 33 to the following:

- 34 (1) Each county having a consolidated city.
 35 (2) Each city having a population of more than ~~ninety~~ **eighty**
 36 thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty**
 37 thousand ~~(105,000)~~ **four hundred (80,400)**.
 38 (3) Each county having a population of more than one hundred
 39 five thousand (105,000) but less than one hundred ten thousand
 40 (110,000).
 41 (4) Each county having a population of more than three hundred
 42 thousand (300,000) but less than four hundred thousand
 43 (400,000).
 44 (5) Each county having a population of more than one hundred
 45 ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than
 46 one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)**.



(6) Each county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand ~~(120,000)~~ **(125,000)**.

(7) Each city having a population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred~~ **(59,700)** **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000)~~ **(60,000)**.

SECTION 102. IC 8-22-3.6-3, AS AMENDED BY P.L.146-2008, SECTION 367, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) An authority that is located in a:

(1) city having a population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand ~~(105,000)~~ **four hundred** **(80,400)**;

(2) county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); or

(3) county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may enter into a lease of an airport project with a lessor for a term not to exceed fifty (50) years and the lease may provide for payments to be made by the airport authority from property taxes levied under IC 8-22-3-17, taxes allocated under IC 8-22-3.5-9, any other revenues available to the airport authority, or any combination of these sources.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased facilities in accordance with the lease. The terms of each lease must be based upon the value of the facilities leased and may not create a debt of the authority or the eligible entity for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the authority only after a public hearing by the board at which all interested parties are provided the opportunity to be heard. After the public hearing, the board may adopt an ordinance authorizing the execution of the lease if it finds that the service to be provided throughout the term of the lease will serve the public purpose of the authority and is in the best interest of the residents of the authority district.

(d) Upon execution of a lease providing for payments by the authority in whole or in part from the levy of property taxes under IC 8-22-3-17, the board shall publish notice of the execution of the lease and its approval in accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the authority district who will be affected by the lease and who may be of the opinion that no necessity exists for the execution of the lease or that the payments provided for in the lease are not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after the publication of the notice of



1 execution and approval. The petition must set forth the petitioners'
 2 names, addresses, and objections to the lease and the facts showing that
 3 the execution of the lease is unnecessary or unwise or that the
 4 payments provided for in the lease are not fair and reasonable, as the
 5 case may be.

6 (e) Upon the filing of a petition under subsection (d), the county
 7 auditor shall immediately certify a copy of the petition, together with
 8 any other data necessary to present the questions involved, to the
 9 department of local government finance. Upon receipt of the certified
 10 petition and information, the department of local government finance
 11 shall fix a time and place for a hearing in the authority district, which
 12 must be not less than five (5) or more than thirty (30) days after the
 13 time is fixed. Notice of the hearing shall be given by the department of
 14 local government finance to the members of the board, and to the first
 15 fifty (50) petitioners on the petition, by a letter signed by the
 16 commissioner of the department of local government finance and
 17 enclosed with fully prepaid postage sent to those persons at their usual
 18 place of residence, at least five (5) days before the date of the hearing.
 19 The decision of the department of local government finance or on the
 20 appeal, upon the necessity for the execution of the lease, and as to
 21 whether the payments under it are fair and reasonable, is final.

22 (f) An authority entering into a lease payable from any sources
 23 permitted under this chapter may:

24 (1) pledge the revenue to make payments under the lease pursuant
 25 to IC 5-1-14-4; or

26 (2) establish a special fund to make the payments.

27 (g) Lease rentals may be limited to money in the special fund so that
 28 the obligations of the airport authority to make the lease rental
 29 payments are not considered debt of the unit or the district for purposes
 30 of the Constitution of the State of Indiana.

31 (h) Except as provided in this section, no approvals of any
 32 governmental body or agency are required before the authority enters
 33 into a lease under this section.

34 (i) An action to contest the validity of the lease or to enjoin the
 35 performance of any of its terms and conditions must be brought within
 36 thirty (30) days after the later of:

37 (1) the public hearing described in subsection (c); or

38 (2) the publication of the notice of the execution and approval of
 39 the lease described in subsection (d), if the lease is payable in
 40 whole or in part from tax levies.

41 However, if the lease is payable in whole or in part from tax levies and
 42 an appeal has been taken to the department of local government
 43 finance, an action to contest the validity or enjoin the performance
 44 must be brought within thirty (30) days after the decision of the
 45 department of local government finance.

46 (j) If an authority exercises an option to buy an airport project from



a lessor, the authority may subsequently sell the airport project, without regard to any other statute, to the lessor at the end of the lease term at a price set forth in the lease or at fair market value established at the time of the sale by the authority through auction, appraisal, or arms length negotiation. If the airport project is sold at auction, after appraisal, or through negotiation, the board shall conduct a hearing after public notice in accordance with IC 5-3-1 before the sale. Any action to contest the sale must be brought within fifteen (15) days of the hearing.

SECTION 103. IC 8-22-3.7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" means the following:

(1) A city having a population of more than ~~ninety eighty thousand (90,000)~~ **(80,000)** but less than ~~one hundred five eighty thousand (105,000)~~ **four hundred (80,400)**.

(2) A county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

(3) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

SECTION 104. IC 9-21-8-44.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 44.5. (a) As used in this section, "compression release engine brake" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

(b) A person who drives a motor vehicle equipped with compression release engine brakes on the Indiana toll road in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** may not use the motor vehicle's compression release engine brakes instead of the service brake system, except in the case of failure of the service brake system.

SECTION 105. IC 9-23-2-2, AS AMENDED BY P.L.42-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) An application for a license under this chapter must:

(1) be accompanied by the fee required under IC 9-29-8;
 (2) be on a form prescribed by the secretary of state;
 (3) contain the information the secretary of state considers necessary to enable the secretary of state to determine fully the following information:

(A) The qualifications and eligibility of the applicant to receive the license.

(B) The location of each of the applicant's places of business



1 in Indiana.

2 (C) The ability of the applicant to conduct properly the
3 business for which the application is submitted; and

4 (4) contain evidence of a bond required in subsection (e).

5 (b) An application for a license as a dealer must show whether the
6 applicant proposes to sell new or used motor vehicles, or both.

7 (c) An applicant who proposes to use the Internet or other computer
8 network in aid of its sale of motor vehicles to consumers in Indiana,
9 which activities may result in the creation of business records outside
10 Indiana, shall provide the division with the name, address, and
11 telephone number of the person who has control of those business
12 records. The secretary of state may not issue a license to a dealer who
13 transacts business in this manner who does not have an established
14 place of business in Indiana.

15 (d) This subsection applies to an application for a license as a dealer
16 in a city having a population of more than ~~ninety eight~~ **eighty** thousand
17 ~~(90,000)~~ **(80,000)** but less than ~~one hundred five~~ **eighty** thousand
18 ~~(105,000)~~ **(80,400)**. The application must include an
19 affidavit from:

20 (1) the person charged with enforcing a zoning ordinance
21 described in this subsection; or

22 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
23 who has jurisdiction over the real property where the applicant wants
24 to operate as a dealer. The affidavit must state that the proposed
25 location is zoned for the operation of a dealer's establishment. The
26 applicant may file the affidavit at any time after the filing of the
27 application. However, the secretary of state may not issue a license
28 until the applicant files the affidavit.

29 (e) This subsection does not apply to a person listed in the
30 categories set forth in section 1(a)(10) through 1(a)(12) of this chapter
31 and that was licensed under this chapter before July 1, 2009. A licensee
32 shall maintain a bond satisfactory to the secretary of state in the amount
33 of twenty-five thousand dollars (\$25,000), which must:

34 (1) be in favor of the state; and

35 (2) secure payment of fines, penalties, costs, and fees assessed by
36 the secretary of state after notice, opportunity for a hearing, and
37 opportunity for judicial review, in addition to securing the
38 payment of damages to a person aggrieved by a violation of this
39 chapter by the licensee after a judgment has been issued.

40 (f) Service shall be made in accordance with the Indiana Rules of
41 Trial Procedure.

42 (g) Instead of meeting the requirement in subsection (e), a licensee
43 may submit to the secretary of state evidence that the licensee is a
44 member of a risk retention group regulated by the Indiana department
45 of insurance.

46 SECTION 106. IC 9-23-2-4, AS AMENDED BY P.L.184-2007,



SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the secretary of state within ten (10) days and remit the fee required under IC 9-29-8. The secretary of state shall endorse that change on the license if the secretary of state determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary of state within ten (10) days upon any change in the name, address, or telephone number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than ~~ninety eight~~ **eighty** thousand (~~90,000~~) **(80,000)** but less than ~~one hundred five~~ **eighty** thousand (~~105,000~~): **four hundred (80,400)**. A dealer who wants to change a location must submit to the secretary of state an application for approval of the change. The application must be accompanied by an affidavit from:

(1) the person charged with enforcing a zoning ordinance described in this subsection; or

(2) the zoning enforcement officer under IC 36-7-4, if one exists; who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The secretary of state may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 107. IC 11-10-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) All teachers employed by the department are subject to all provisions of law concerning the minimum salary of teachers and membership in any teachers' retirement fund plan. The commissioner or the commissioner's designated representative shall annually determine the salary schedule of the largest school corporation of the county in which each correctional institution is located.

(b) Except as provided in subsections (e) through (f), from the information described in subsection (a), the commissioner shall prescribe, subject to approval by the state personnel department and the



budget agency, a salary schedule for each correctional institution, using a daily rate of pay for each teacher, which must be equal to that of the largest school corporation in the county in which the correctional institution is located.

(c) The commissioner shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the schedule established under subsection (b).

(d) Hours of work for all teachers shall be set in accordance with IC 4-15-2 (**repealed**).

(e) If the school corporation in which the correctional institution is located becomes the largest school corporation in the county in which the correctional institution is located, the daily rate of pay for each teacher must be equal to that of the school corporation in which the correctional institution is located without regard to whether the school corporation in which the correctional institution is located remains the largest school corporation in the county.

(f) Using a daily rate of pay for each teacher, the salary schedule for each correctional institution located in a county having a population of:

(1) more than seventeen thousand ~~(17,000)~~ **two hundred fifty (17,250)** but less than seventeen thousand ~~five~~ **three** hundred ~~(17,500);~~ **fifty (17,350);** or

(2) more than one hundred ~~forty~~ thousand ~~(100,000)~~ **(140,000)** but less than one hundred ~~five~~ **fifty** thousand ~~(105,000);~~ **(150,000);**

must be equal to that of the school corporation in which the correctional institution is located.

SECTION 108. IC 12-15-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14. (a) This section applies to a Medicaid recipient:

(1) who is determined by the office to be eligible for enrollment in a Medicaid managed care program;

(2) whose Medicaid eligibility is not based on the individual's aged, blind, or disabled status; and

(3) who resides in a county having a population of:

(A) more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ ~~(182,790)~~ **(185,000)** but less than two hundred ~~fifty~~ thousand ~~(200,000);~~ **(250,000);**

(B) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000);~~ **(185,000);**

(C) more than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred ~~seventy~~ thousand ~~(300,000);~~ **(270,000);**

(D) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(E) more than four hundred thousand (400,000) but less than



1 seven hundred thousand (700,000).

2 (b) Not later than January 1, 2003, the office shall require a
3 recipient described in subsection (a) to enroll in the risk-based
4 managed care program.

5 (c) The office:

6 (1) shall apply to the United States Department of Health and
7 Human Services for any approval necessary; and

8 (2) may adopt rules under IC 4-22-2;

9 to implement this section.

10 SECTION 109. IC 12-24-18-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
12 to a city having a population of more than ~~thirty-nine~~ **thirty-six**
13 thousand ~~one five hundred (39,100)~~ **(36,500)** but less than ~~forty-six~~
14 **thirty-six** thousand ~~(46,000)~~; **eight hundred twenty-five (36,825).**

15 SECTION 110. IC 12-30-7-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter
17 applies to a county that meets the following conditions:

18 (1) **The county** has a population of more than three hundred
19 thousand (300,000) but less than four hundred thousand
20 (400,000).

21 (2) **The county** maintains, owns, or maintains and owns a county
22 home for the support and care of persons who are aged, blind,
23 destitute, homeless, infirm, chronically ill, or in need of nursing
24 or convalescent care, but who do not require hospitalization.

25 (3) **The county** maintains, owns, or maintains and owns a hospital
26 for the treatment of patients afflicted with tuberculosis and other
27 chronic diseases that contracts with other counties for the
28 treatment of citizens of the other counties.

29 (b) This chapter applies to a county that meets the following
30 conditions:

31 (1) **The county** has a population of more than two hundred **fifty**
32 thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred
33 **seventy** thousand ~~(300,000)~~; **(270,000).**

34 (2) **The county** maintains or owns a county home for the support
35 and care of persons who are aged, blind, destitute, homeless,
36 infirm, chronically ill, or in need of nursing or convalescent care,
37 but who do not require hospitalization.

38 SECTION 111. IC 13-17-5-5.4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.4. (a) This section
40 applies to the following counties:

41 (1) A county having a population of more than ~~seventy~~
42 **seventy-one** thousand ~~(70,000)~~ **(71,000)** but less than ~~seventy-one~~
43 **seventy-five** thousand ~~(71,000)~~; **(75,000).**

44 (2) A county having a population of more than ~~ninety one~~
45 **hundred ten** thousand ~~(90,000)~~ **(110,000)** but less than one
46 hundred **eleven** thousand ~~(100,000)~~; **(111,000).**



(b) For the purpose of determining the number of inspection stations operating in a county under this subsection, a temporary or portable inspection station counts as an inspection station. After July 1, 1997, the department must maintain in a county under subsection (a) an equal or greater number of inspection stations as were operating in the county on July 1, 1996.

SECTION 112. IC 13-17-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) After December 31, 2006, the board may not adopt a rule under air pollution control laws that requires motor vehicles to undergo a periodic test of emission characteristics in the following counties:

(1) A county having a population of more than ~~seventy~~ **seventy-one** thousand (~~70,000~~) (**71,000**) but less than ~~seventy-one~~ **seventy-five** thousand (~~71,000~~) (**75,000**).

(2) A county having a population of more than ~~ninety one~~ **hundred ten** thousand (~~90,000~~) (**110,000**) but less than one hundred ~~eleven~~ thousand (~~100,000~~) (**111,000**).

(b) After December 31, 2006, 326 IAC 13-1.1 is void to the extent it applies to a county referred to in subsection (a).

(c) Unless the budget agency approves a periodic vehicle inspection program for a county referred to in subsection (a), the board shall amend 326 IAC 13-1.1 so that it does not apply after December 31, 2006, to a county referred to in subsection (a).

(d) The budget agency, after review by the budget committee, may approve in writing the implementation of a periodic vehicle inspection program for one (1) or more counties described in subsection (a) only if the budget agency determines that the implementation of a periodic vehicle inspection program in the designated counties is necessary to avoid a loss of federal highway funding for the state or a political subdivision. The approval must specify the counties to which the periodic vehicle inspection program applies and the time during which the periodic vehicle inspection program must be conducted in each designated county. The budget agency, after review by the budget committee, shall withdraw an approval given under this subsection for a periodic vehicle inspection program in a county if the budget agency determines that the suspension of the periodic vehicle inspection program will not adversely affect federal highway funding for the state or a political subdivision.

SECTION 113. IC 13-17-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. The department may not issue a permit for the construction or the operation of a thermal oxidation unit that would be used only to remediate soil contaminated by petroleum or a petroleum byproduct if the thermal oxidation unit would be constructed or operated in a county that:

(1) has a population of:

(A) more than four hundred thousand (400,000) but less than



- 1 seven hundred thousand (700,000); or
 2 (B) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~
 3 **(150,000)** but less than one hundred ~~forty-eight~~ **seventy**
 4 thousand ~~(148,000)~~; **(170,000)**; and
 5 (2) is located in an air quality control area that has been classified
 6 as a nonattainment area under the federal Clean Air Act (42
 7 U.S.C. 7401 et seq.);
 8 unless it can be demonstrated that the thermal oxidation unit is in
 9 compliance with a state implementation plan submitted under Section
 10 182 of the federal Clean Air Act (42 U.S.C. 7511a).
 11 SECTION 114. IC 13-20-23-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 13 to townships located in a county having a population of more than two
 14 hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~
 15 hundred **seventy** thousand ~~(300,000)~~; **(270,000)**.
 16 SECTION 115. IC 13-21-3-5, AS AMENDED BY P.L.189-2005,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsections (b)
 19 through (e), the board of a county district consists of the following
 20 members:
 21 (1) Two (2) members appointed by the county executive from the
 22 membership of the county executive.
 23 (2) One (1) member appointed by the county fiscal body from the
 24 membership of the fiscal body.
 25 (3) One (1) member:
 26 (A) who is the executive of the municipality having the largest
 27 population in the county if that municipality is a city; or
 28 (B) appointed from the membership of the legislative body of
 29 a town if the town is the municipality having the largest
 30 population in the county.
 31 (4) One (1) member of the legislative body of the municipality
 32 with the largest population in the county appointed by the
 33 legislative body of that municipality.
 34 (5) One (1) member:
 35 (A) who is the executive of a city in the county that is not the
 36 municipality having the largest population in the county; or
 37 (B) who is a member of the legislative body of a town that is
 38 not the municipality having the largest population in the
 39 county;
 40 and who is appointed by the executive of that county to represent
 41 the municipalities in the county other than the municipality
 42 having the largest population.
 43 (6) One (1) additional member appointed by the county executive
 44 from the membership of the county executive.
 45 (b) If a county having a population of more than four hundred
 46 thousand (400,000) but less than seven hundred thousand (700,000) is



designated as a county district, the executives of the three (3) cities in the county having the largest populations each serve as a member of the board or may appoint a member of the legislative body of their city to serve as a member of the board. If a county having a population of more than two hundred **fifty** thousand (~~200,000~~) (**250,000**) but less than ~~three two~~ hundred **seventy** thousand (~~300,000~~) (**270,000**) is designated as a county district, the executives of the two (2) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred **fifty** thousand (~~200,000~~) but less than ~~three two~~ hundred **seventy** thousand (~~300,000~~) (**270,000**) is designated as a county district, the board of that county district must include the following:

(1) One (1) member of the legislative body of the city having the second largest population in the county, appointed by the president of the city legislative body.

(2) One (1) member of the legislative body of a town located in the county, appointed by the judge of the circuit court in the county.

(c) If a county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of the district consists of the following members:

(1) One (1) member appointed by the county executive from the membership of the county executive.

(2) Two (2) members appointed from the county fiscal body appointed from the membership of the county fiscal body.

(3) The executive of each second or third class city or a member of the legislative body of their city appointed by the executive.

(4) One (1) member of the legislative body of each town appointed by the legislative body.

(5) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(6) If a local government unit in the county has an operating final disposal facility located within the unit's jurisdiction, one (1) member of the unit's board of public works appointed by the board of public works.

(e) This subsection applies only to a county that does not contain a city. If the county executive and the county fiscal body of a county designated as a county district agree, the board of the district shall consist of the following nine (9) or ten (10) members:

(1) The three (3) members of the county executive.

(2) Two (2) members of the county fiscal body, chosen by the



1 county fiscal body.

2 (3) One (1) member of each of the town legislative bodies of the
3 four (4) or five (5) towns in the county having the largest
4 population, chosen by each town legislative body.

5 SECTION 116. IC 13-21-3-6 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) Except as
7 provided in subsections (b) through (d), the board of a joint district
8 consists of the following:

9 (1) One (1) member of the county executive of each participating
10 county.

11 (2) One (1) member of the county fiscal body of each
12 participating county.

13 (3) One (1) member:

14 (A) who is the executive of the municipality having the largest
15 population in the county if that municipality is a city; or

16 (B) if a town is the municipality having the largest population
17 in the county, who is appointed from the membership of the
18 fiscal body of that town.

19 (4) One (1) member of the legislative body of the municipality
20 having the largest population in each participating county,
21 appointed by the legislative body of that municipality.

22 (5) One (1) or more members who are the executives of cities
23 under subsection (b), if applicable.

24 (6) Additional members appointed by the executive of each
25 participating county from the membership of the executive, as
26 permitted under subsection (c).

27 (7) One (1) additional member appointed by the executive of the
28 participating county having the largest population from the
29 membership of the executive if the appointments made under
30 subdivisions (1) through (6) result in an even number of
31 members.

32 (b) If a county having a population of more than four hundred
33 thousand (400,000) but less than seven hundred thousand (700,000)
34 has joined in a joint district, the executive of the three (3) cities in the
35 county having the largest populations each serve as a member of the
36 board. If a county having a population of more than two hundred **fifty**
37 thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ **two** hundred ~~seventy~~
38 thousand ~~(300,000)~~ **(270,000)** has joined in a joint district, the
39 executive of the two (2) cities in the county having the largest
40 populations each serve as a member of the board.

41 (c) An agreement between two (2) or more counties establishing a
42 joint district may allow the executive of each county to appoint a
43 certain number of additional members from the membership of the
44 executive based upon the proportion of each county's population to the
45 population of the entire district.

46 (d) An agreement among three (3) or more counties establishing a



joint district may provide that:

- (1) the membership; and
- (2) the terms of office of members;

of the board will be determined by the terms of an agreement entered into by the executive of each county governing the operation of the district. All members of a board appointed under this subsection must be elected officials of a county or a municipality.

(e) The board of a joint district established under subsection (d) or IC 13-9.5-2-6(d) (before its repeal) after March 1, 1991:

- (1) must include representation from the largest municipality in each county included in the joint district as recommended by the executive of the largest municipality and approved by the legislative body of the largest municipality; and
- (2) may include representation from other municipalities in each county included in the joint district as recommended by the executive of a municipality and approved by the legislative body of the municipality.

(f) The board of a joint district may allow a member who is appointed from:

- (1) the county executive;
- (2) a county fiscal body; or
- (3) a municipal legislative body;

to have the body on which the member serves designate an alternate member from that body to participate and exercise the right to vote with the board if the member is unable to attend a meeting.

SECTION 117. IC 13-21-3-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12.2. (a) This section applies to a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)**.

(b) In addition to the powers granted to a district under section 12 of this chapter, a district may make grants or loans of money, property, or services to a public or private program to plant or maintain trees in an area of the district that is a right-of-way, public property, or vacant property.

SECTION 118. IC 13-21-3-14.5, AS AMENDED BY P.L.220-2011, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 14.5. (a) This section does not apply to the following:

- (1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.
- (2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.



(3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**) but less than one hundred fifteen thousand (115,000). The operation of the landfill must have begun before July 1, 2001.

(4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.

(5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.

(6) Activities conducted as part of household hazardous waste (as defined in IC 13-11-2-104) collection and disposal projects.

(7) A contract executed before April 1, 1998.

(b) Except as provided in subsection (c), a district may not:

(1) undertake to provide waste management services by means of its own work force; or

(2) contract with any person to provide waste management services.

(c) A district may perform the activities described in subsection (b):

(1) if:

(A) the board is able to adopt a resolution under subsection (d); and

(B) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district; or

(2) if the district is requested to do so by a unit of government that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide waste management services by means of its own work force or contract with a person to provide waste management services, only if the board finds that:

(1) the waste management service is not currently available in the district at a reasonable cost; and

(2) providing the waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that



delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

(1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and

(2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:

(A) Subsidies arising from taxes, fees, grants, or intergovernmental transfers.

(B) In-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets.

(C) Discounts.

(D) Tax exemptions.

(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:

(1) the duration of each event authorized by the resolution is not more than one (1) day; and

(2) all events authorized by the resolution will take place in one (1) calendar year.

SECTION 119. IC 13-21-3-15, AS AMENDED BY P.L.146-2008, SECTION 422, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) A district located in a county having a population of more than ~~thirty-two~~ **thirty-three** thousand (~~32,000~~) **five hundred (33,500)** but less than ~~thirty-three~~ **thirty-four** thousand (~~33,000~~) **(34,000)** may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:

(1) The district is in the process of constructing a landfill.

(2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section. Any additional levy granted under this section may not exceed seven and thirty-three hundredths cents (\$0.0733) on each one hundred dollars (\$100) of assessed valuation of property in the district.



1 (c) The department of local government finance shall establish the
2 tax rate if a higher tax rate is permitted.

3 (d) A property tax rate imposed under this section expires not later
4 than December 31, 1997.

5 SECTION 120. IC 13-21-13-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) A board may
7 impose fees on the disposal of solid waste in a final disposal facility
8 located within the district. A fee imposed by a board in a county with
9 a population of more than one hundred ~~ten~~ **eleven** thousand ~~(110,000)~~
10 **(111,000)** but less than one hundred fifteen thousand (115,000) under
11 this section may not exceed two dollars and fifty cents (\$2.50) a ton. A
12 fee imposed by a board in other counties under this section may not
13 exceed:

14 (1) two dollars and fifty cents (\$2.50) a ton; or

15 (2) the amount of a fee imposed by the board;

16 (A) under this section; and

17 (B) in effect on January 1, 1993;

18 whichever is greater.

19 (b) The board shall do the following:

20 (1) Set the amount of fees imposed under this section after a
21 public hearing.

22 (2) Give public notice of the hearing.

23 (c) If solid waste has been subject to a district fee under this section,
24 the total amount of the fee that was paid shall be credited against a
25 district fee to which the solid waste may later be subject under this
26 section.

27 (d) Except as provided in section 4 of this chapter, fees imposed
28 under this chapter shall be imposed uniformly on public facilities and
29 on privately owned or operated facilities throughout the district.

30 (e) A resolution adopted by a board that establishes fees under this
31 chapter may contain a provision that authorizes the board to impose a
32 penalty of not more than five hundred dollars (\$500) per day because
33 of:

34 (1) nonpayment of fees; or

35 (2) noncompliance with a condition in the resolution.

36 (f) A board may not impose fees for material used as alternate daily
37 cover pursuant to a permit issued by the department under 329
38 IAC 10-20-13.

39 SECTION 121. IC 14-15-3-17 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 17. (a) A person
41 operating a motorboat may not approach or pass within two hundred
42 (200) feet of the shore line of a lake or channel of the lake at a place or
43 point where the lake or channel is at least five hundred (500) feet in
44 width, except for the purpose of trolling or for the purpose of
45 approaching or leaving a dock, pier, or wharf or the shore of the lake
46 or channel.



(b) Except as provided in subsection (c), a person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(c) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

- (1) more than ~~twenty-five thousand (25,000)~~ **twenty-four thousand five hundred (24,500)** but less than twenty-five thousand ~~five hundred (25,500);~~ **(25,000);** or
- (2) more than twenty thousand (20,000) but less than twenty thousand ~~three hundred (20,300);~~ **(20,500).**

A person operating a motorboat may not approach or pass within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes.

SECTION 122. IC 14-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. This chapter does not apply to any of the following:

- (1) An artificial lake that is created or used in or in connection with the following:
 - (A) Supplying a city or town with water.
 - (B) The generation of electric energy.
 - (C) The storage of water for a use described in clause (A) or (B).
- (2) The waters of Lake Michigan.
- (3) A lake owned or controlled by the department.
- (4) The waters of an artificial lake in a town located in a county having a population of more than ~~forty-six thousand two hundred fifty (46,250)~~ **forty-seven thousand five hundred (47,500)** but less than ~~forty-seven thousand four hundred (47,400);~~ **(48,000).**

SECTION 123. IC 14-27-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following:

- (1) A city having a population of more than one hundred ~~twenty ten thousand (120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000).
- (2) The county in which a city described in subdivision (1) exists.

SECTION 124. IC 14-33-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies only to a district to be located in a county having a population of more than one hundred ~~forty thousand (100,000)~~ **(140,000)** but less than one hundred ~~five fifty thousand (105,000);~~ **(150,000).**



(b) If the court determines that a petition conforms to the requirements, the court shall enter an order referring the petition to the commission.

(c) The commission shall make a determination and report to the court whether the proposed district should be established after determining whether the proposed district meets the following conditions:

(1) The proposed district appears to be necessary.

(2) The proposed district holds promise of economic and engineering feasibility.

(3) The proposed district seems to offer benefits in excess of costs and damages for purposes other than the following:

(A) Water supply.

(B) Storage of water for augmentation of stream flow.

(C) Sewage disposal.

(4) Whether the public health will be served immediately or prospectively by the establishment of the district for any of the following purposes:

(A) Water supply.

(B) Sewage disposal.

(C) Storage of water for augmentation of stream flow.

(D) Any combination of these purposes.

(5) The proposed district proposes to cover and serve a proper area.

(6) The proposed district can be established and operated in a manner compatible with established:

(A) districts;

(B) flood control projects;

(C) reservoirs;

(D) lakes;

(E) drains;

(F) levees;

(G) regional water districts;

(H) regional sewer districts; and

(I) other water management or water supply projects.

(d) The fact that all the land included in the proposed district is owned by one (1) freeholder or a limited number of freeholders is not a sufficient reason for the commission or the court to make unfavorable findings on:

(1) the question of the establishment of the district; and

(2) later, if the district is established, the approval of the district plan.

However, it must appear from the evidence that the land is subdivided or intended for subdivision and development and that the accomplishment of the purposes proposed and in the manner proposed would be necessary and desirable for the person acquiring and using



the land after subdivision and development.

SECTION 125. IC 14-33-5.4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter applies only to conservancy districts located wholly within a county having a population of more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~ **(23,300)** but less than twenty-four thousand (24,000).

(b) This article governs conservancy districts located wholly within a county having a population of more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~ **(23,300)** but less than twenty-four thousand (24,000) generally except when this article conflicts with a section of this chapter.

SECTION 126. IC 16-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in IC 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b) The executive of a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** may only establish and maintain one (1) local health department having countywide jurisdiction.

(c) The county executive in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** may adopt health ordinances that apply to the entire county.

(d) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** is void.

SECTION 127. IC 16-20-2-2.5, AS ADDED BY P.L.220-2011, SECTION 312, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2.5. (a) ~~For purposes of this section, population information contained in this section refers to population as determined by the 1990 decennial census:~~

~~(b) A health ordinance adopted by the county executive of a Tippecanoe County having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600) that:~~

~~(1) was adopted after December 31, 1993, and before March 11, 1994; and~~

~~(2) applies to the entire county; is legalized.~~

SECTION 128. IC 16-20-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) In the following counties, the county executive and the executive of the most populous city located in the county shall appoint the members of the local board



of health:

(1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(2) A county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand (~~180,000~~) **(185,000)**.

(3) A county having a population of more than ~~seventy~~ **seventy-one** thousand (~~70,000~~) **(71,000)** but less than ~~seventy-one~~ **seventy-five** thousand (~~71,000~~) **(75,000)**.

(b) Except as provided in subsection (c), the executive of each second class city shall appoint a number of members of the board in the proportion that the city's population is to the total county population to the nearest whole fraction. The appointments made under this subsection shall be made in order, according to the population of a city, with the city having the largest population making the first appointments. The county executive shall appoint the remaining number of members of the county board of health.

(c) The members of the local board of health in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) shall be appointed as follows:

(1) Three (3) members shall be appointed by the executive of the most populous city in the county.

(2) Four (4) members shall be appointed by the county executive.

SECTION 129. IC 16-20-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 18. (a) This section applies to a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)**.

(b) Each year the county fiscal officer shall transfer to the community health clinic located in the county an amount equal to the revenue raised from a property tax rate of one hundred sixty-seven thousandths of one cent (\$0.00167) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the county.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 130. IC 16-20-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) Except as provided in subsection (b), the legislative body of a second class city may by resolution provide for a full-time city health department.

(b) A local official, city legislative body, city fiscal body, or county may not establish a full-time or part-time city health department in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)**.



(c) A health ordinance adopted by a city legislative body after December 31, 1993, in a county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) (**170,000**) but less than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) (**175,000**) is void.

SECTION 131. IC 16-20-4-5.5, AS ADDED BY P.L.220-2011, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.5. (a) For purposes of this section, population information contained in this section refers to population as determined by the 1990 decennial census:

(b) A health ordinance adopted by the county executive of a **Tippecanoe** County having a population of more than one hundred ~~twenty-nine~~ thousand (~~129,000~~) but less than one hundred thirty thousand six hundred (~~130,600~~) that:

(1) was adopted after December 31, 1993, and before March 11, 1994; and

(2) applies to the entire county; is legalized.

SECTION 132. IC 16-20-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 27. (a) This section applies to each city having a population of **any of the following**:

(1) More than ~~twenty-eight~~ **twenty-nine** thousand ~~seven~~ **five** hundred (~~28,700~~) (**29,500**) but less than twenty-nine thousand (~~29,000~~); or **six hundred (29,600)**.

(2) More than ~~fifty-five~~ **sixty-five** thousand (~~55,000~~) (**65,000**) but less than ~~fifty-nine~~ **seventy** thousand (~~59,000~~); (**70,000**).

(b) Each year the fiscal officer of each city shall transfer to the community health clinic located in the county in which the city is located an amount equal to the revenue raised from a property tax rate of sixty-seven hundredths of one cent (\$0.0067) for each one hundred dollars (\$100) of assessed valuation of the taxable property in the city.

(c) The transfer shall be made in four (4) equal installments before the end of January, April, July, and October. The transfer shall be made without the necessity of an appropriation.

SECTION 133. IC 16-22-2-3.1, AS AMENDED BY P.L.80-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.1. (a) This section applies to a hospital operated under IC 16-12-4-2 (before its repeal on July 1, 1993) that is located in a county having a population of more than ~~forty-one~~ **forty-two** thousand (~~41,000~~) **three hundred (42,300)** but less than forty-three thousand (43,000).

(b) The management of a hospital is under the control of a governing board. The governing board consists of nine (9) members appointed by the county executive as follows:

(1) Three (3) members must be members of the county executive.

(2) Six (6) members meeting the following requirements:



1 (A) At least four (4) members must be residents of the county.
 2 (B) Not more than two (2) members appointed under this
 3 subdivision may reside in a county other than the county in
 4 which the hospital is located. A member who is not a resident
 5 of the county in which the hospital is located must:

6 (i) be an Indiana resident; and
 7 (ii) be appointed upon a submission made under section 11
 8 of this chapter by the governing board of the hospital to the
 9 appointing authority.
 10 (C) One (1) member appointed under this subdivision may
 11 also be a licensed physician.

12 (c) The term of each member of the governing board is three (3)
 13 years.

14 (d) If a vacancy occurs due to the expiration of an appointed
 15 member's term and the county executive does not fill the vacancy
 16 within sixty (60) days from the date of expiration, the member whose
 17 term has expired is automatically reappointed for another term.

18 SECTION 134. IC 16-22-2-4, AS AMENDED BY P.L.80-2011,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 APRIL 1, 2012]: Sec. 4. (a) This section applies to the governing
 21 boards of county hospitals in a county having a population of more than
 22 ~~thirty-nine~~ **thirty-eight** thousand (~~39,000~~) **two hundred (38,200)** but
 23 less than ~~thirty-nine~~ **thirty-eight** thousand ~~six~~ **five** hundred (~~39,600~~)
 24 **(38,500)**.

25 (b) Subject to subsection (c), the governing board of a county
 26 hospital consists of seven (7) members, as follows:

27 (1) Three (3) members must be the members of the county
 28 executive.

29 (2) Four (4) members, one (1) of whom may be a licensed
 30 physician, shall be appointed by the judge of the circuit court of
 31 the county.

32 (c) Not more than two (2) members of a governing board appointed
 33 under this section may reside in a county other than the county in
 34 which the hospital is located. A member who is not a resident of the
 35 county in which the hospital is located must:

36 (1) be an Indiana resident; and
 37 (2) be appointed upon a submission made under section 11 of this
 38 chapter by the governing board of the hospital to the appointing
 39 authority.

40 (d) The term of office for members of the governing board, other
 41 than the members of the county executive, is two (2) years.

42 SECTION 135. IC 16-22-2-5, AS AMENDED BY P.L.80-2011,
 43 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 APRIL 1, 2012]: Sec. 5. (a) This section applies to county hospitals in
 45 counties having a population of more than ~~eighteen~~ **seventeen**
 46 thousand (~~18,000~~) **three hundred fifty (17,350)** but less than eighteen



1 thousand ~~three hundred (18,300): (18,000).~~

2 (b) Subject to subsection (e), the hospital and the affairs and
3 business of the hospital shall be under the management and control of
4 a governing board consisting of seven (7) members as follows:

5 (1) Three (3) members must be members of the county executive.

6 (2) Two (2) members shall be appointed by the county fiscal
7 body, one (1) of whom may be a licensed physician.

8 (3) Two (2) members shall be appointed by the county executive.

9 (c) One (1) of the members initially appointed by the county fiscal
10 body serves for one (1) year and one (1) of the members initially
11 appointed serves for two (2) years. After the initial appointment, the
12 members serve for two (2) years.

13 (d) One (1) of the members initially appointed by the county
14 executive serves for one (1) year and one (1) of the members initially
15 appointed serves for two (2) years. After the initial appointment, the
16 members serve for two (2) years.

17 (e) Not more than two (2) members of a governing board appointed
18 under this section may reside in a county other than the county in
19 which the hospital is located. A member who is not a resident of the
20 county in which the hospital is located must:

21 (1) be an Indiana resident; and

22 (2) be appointed upon a submission made under section 11 of this
23 chapter by the governing board of the hospital to the appointing
24 authority.

25 SECTION 136. IC 16-22-2-7, AS AMENDED BY P.L.80-2011,
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 APRIL 1, 2012]: Sec. 7. (a) Except as provided in subsection (d), a
28 governing board of four (4) members in existence on September 2,
29 1971, may petition the county executive to increase the size of the
30 board to five (5), six (6), seven (7), eight (8), or nine (9) members. If
31 the county executive approves the petition, the county executive shall
32 appoint new members to increase the number of board members to the
33 chosen size in the following manner:

34 (1) All members must be residents of the county in which the
35 hospital is located except in the following circumstances:

36 (A) If a determination is made to increase a board size to five
37 (5) or six (6) members, one (1) member may be a resident of
38 an Indiana county other than the county in which the hospital
39 is located if the member to be appointed was recommended by
40 the governing board as set forth in section 11 of this chapter to
41 fill the vacancy.

42 (B) If a determination is made to increase a board size to at
43 least seven (7) members, not more than two (2) members may
44 be residents of an Indiana county other than the county in
45 which the hospital is located if the member to be appointed
46 was recommended by the governing board as set forth in



- 1 section 11 of this chapter to fill the vacancy.
- 2 (2) If a board size of five (5) members is chosen, a new member
- 3 shall be appointed for an initial term of one (1) year.
- 4 (3) If a board size of six (6) members is chosen, the new members
- 5 shall be appointed in the following order as necessary:
- 6 (A) One (1) new member for an initial term of one (1) year.
- 7 (B) One (1) new member for an initial term of two (2) years.
- 8 (4) If a board size of seven (7) members is chosen, the new
- 9 members shall be appointed in the following order as necessary:
- 10 (A) One (1) new member for an initial term of one (1) year.
- 11 (B) One (1) new member for an initial term of two (2) years.
- 12 (C) One (1) new member for an initial term of three (3) years.
- 13 (5) If a board size of eight (8) members is chosen, the new
- 14 members shall be appointed in the following order as necessary:
- 15 (A) One (1) new member for an initial term of one (1) year.
- 16 (B) One (1) new member for an initial term of two (2) years.
- 17 (C) One (1) new member for an initial term of three (3) years.
- 18 (D) One (1) new member for an initial term of four (4) years.
- 19 (6) If a board size of nine (9) members is chosen, the new
- 20 members shall be appointed in the following order as necessary:
- 21 (A) Two (2) new members for an initial term of one (1) year.
- 22 (B) One (1) new member for an initial term of two (2) years.
- 23 (C) One (1) new member for an initial term of three (3) years.
- 24 (D) One (1) new member for an initial term of four (4) years.
- 25 (7) If a board size of seven (7), eight (8), or nine (9) members is
- 26 chosen, two (2) members may be licensed physicians.
- 27 (b) A governing board that has increased its size may petition the
- 28 county executive to decrease the size of the board. However, a decrease
- 29 under this subsection may only be accomplished through:
- 30 (1) the vacancy of a member's position, either through expiration
- 31 of the member's term or any other cause; or
- 32 (2) removal of a member as provided under applicable law.
- 33 (c) There is no limit to the number of times a governing board may
- 34 seek to increase or decrease its size under this section.
- 35 (d) For a governing board of four (4) members located in a county
- 36 having a population of:
- 37 (1) more than fourteen thousand ~~five hundred (14,500)~~ **(14,000)**
- 38 but less than ~~fourteen fifteen thousand nine hundred (14,900);~~
- 39 **(15,000);**
- 40 (2) more than ~~twenty-five~~ **twenty-four** thousand ~~(25,000)~~ **five**
- 41 **hundred (24,500)** but less than twenty-five thousand ~~five~~
- 42 ~~hundred (25,500); (25,000);~~ or
- 43 (3) more than thirty-three thousand ~~eight two hundred (33,800)~~
- 44 **(33,200)** but less than ~~thirty-four~~ **thirty-three** thousand ~~three two~~
- 45 ~~hundred (34,300); fifty (33,250);~~
- 46 the county executive may increase the number of board members to



1 five (5), six (6), or seven (7), subject to the limitations of this section.
 2 After the initial appointments, each board member shall be appointed
 3 to serve for a term of four (4) years.

4 SECTION 137. IC 16-22-2-12 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) This section
 6 applies to governing boards of a county hospital in a county having a
 7 population of more than:

8 (1) ~~eighteen seventeen~~ thousand ~~(18,000)~~ **three hundred fifty**
 9 **(17,350)** but less than eighteen thousand ~~three hundred (18,300);~~
 10 **(18,000);**

11 (2) ~~twenty-seven~~ **twenty-six** thousand ~~four hundred (27,400)~~
 12 **(26,000)** but less than ~~twenty-seven~~ **twenty-six** thousand five
 13 hundred ~~(27,500); (26,500);~~ and

14 (3) ~~forty-one~~ **forty-two** thousand ~~(41,000)~~ **three hundred**
 15 **(42,300)** but less than forty-three thousand (43,000).

16 (b) The appointing authority shall appoint a member to fill a
 17 vacancy on the governing board within sixty (60) days after the
 18 vacancy occurs.

19 SECTION 138. IC 16-23-7-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 21 to a nonprofit hospital corporation:

22 (1) in a city having a population of

23 (A) more than one hundred ~~twenty ten~~ thousand ~~(120,000)~~
 24 **(110,000)** but less than one hundred fifty thousand (150,000);

25 or

26 (B) more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)**
 27 but less than one hundred ~~twenty ten~~ thousand ~~(120,000);~~
 28 **(110,000);**

29 (2) in a city without a city hospital or other means for furnishing
 30 the city's citizens hospital care; and

31 (3) that owns property in the city that:

32 (A) is used for hospital purposes; and

33 (B) has a value of at least four hundred thousand dollars
 34 (\$400,000).

35 SECTION 139. IC 16-23-8-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 37 to a nonprofit hospital corporation:

38 (1) in a city having a population of

39 (A) more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred~~
 40 ~~(59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand
 41 ~~(65,000); (60,000);~~ or

42 (B) more than ~~fifty-nine~~ **sixty** thousand ~~(59,000)~~ **(60,000)** but
 43 less than ~~fifty-nine~~ **sixty-five** thousand ~~seven hundred~~
 44 ~~(59,700); (65,000);~~

45 (2) in a county without a city or other public hospital;

46 (3) that admits persons for care and treatment without regard to



1 race, color, or religious creed;

2 (4) the revenue of which derived from the care of persons able to
3 pay and from all other sources is expended in the maintenance
4 and operation of the hospital and for the care of persons who are
5 unable to pay to the extent of the hospital's ability to do so;

6 (5) the revenue of which is insufficient to support and maintain
7 the hospital and enable the hospital to supply the need and
8 demand for hospital care and nursing in the city, either alone or
9 in conjunction with other hospitals in the city; and

10 (6) in a city that has no city hospital under the city's control that
11 is supported entirely by public money.

12 SECTION 140. IC 16-23-9-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
14 to a nonprofit hospital corporation that:

15 (1) is located in a township having a population of more than
16 eight thousand (8,000) but less than ten thousand (10,000) located
17 in a county having a population of more than ~~forty-five~~
18 **forty-seven** thousand (~~45,000~~) **(47,000)** but less than ~~forty-five~~
19 **forty-seven** thousand ~~nine five hundred (45,900); (47,500);~~

20 (2) has a majority of members who are residents of the township;

21 (3) is managed by directors, a majority of whom are residents of
22 the township and who serve without compensation;

23 (4) is free from political or sectarian influence and is required by
24 the hospital's articles of incorporation to be so managed and
25 maintained perpetually; and

26 (5) is unable to be maintained and supported and to perform the
27 hospital service reasonably needed and required for the people of
28 the township without assistance, as determined by the township
29 trustee and township board.

30 SECTION 141. IC 16-24-1-4 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The county
32 executive of a county having a population of more than two hundred
33 **fifty** thousand (~~200,000~~) **(250,000)** but less than ~~three two~~ hundred
34 **seventy** thousand (~~300,000~~) **(270,000)** may use the county's
35 tuberculosis hospitals to treat patients with tuberculosis and for other
36 purposes necessary to qualify under the Medicare and Medicaid
37 programs. At the discretion of the county executive, tuberculosis
38 hospitals may become affiliated with a hospital in the community to
39 enable the tuberculosis hospital to be fully utilized under all programs
40 available.

41 (b) The superintendent of hospitals located in a county described
42 under subsection (a) must be a qualified hospital administrator or an
43 experienced physician selected by the governing board. The board shall
44 delegate to the superintendent and all other personnel the duties of the
45 board's respective positions.

46 SECTION 142. IC 16-24-1-9 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section
2 applies to a county having a population of:

3 (1) more than three hundred thousand (300,000) but less than four
4 hundred thousand (400,000); or

5 (2) more than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)** but
6 less than ~~three two~~ hundred ~~seventy~~ thousand ~~(300,000)~~.
7 **(270,000)**.

8 (b) The board of managers of the hospital consists of seven (7)
9 members chosen by the county executive. The members must:

10 (1) be chosen without regard for political affiliation;

11 (2) be citizens of the county; and

12 (3) include at least two (2) licensed physicians.

13 (c) The term of office of each member of the board is four (4) years.
14 The terms of not more than two (2) of the managers expire annually.
15 The terms of the members of the board may not be altered. The initial
16 appointments are for the respective terms of three (3) years, two (2)
17 years, and one (1) year. Appointments of successors are for terms of
18 four (4) years. Appointments to fill vacancies are for the unexpired
19 term.

20 SECTION 143. IC 16-24-1-15 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) This section
22 applies to a county having a population of any of the following:

23 (1) More than one hundred ~~seventy~~ ~~seventy-five~~ thousand
24 ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ ~~eighty-five~~
25 thousand ~~(180,000)~~. **(185,000)**.

26 (2) More than one hundred ~~thirty~~ ~~twenty-five~~ thousand ~~(130,000)~~
27 **(125,000)** but less than one hundred ~~forty-five~~ ~~thirty-five~~
28 thousand ~~(145,000)~~. **(135,000)**.

29 (3) More than one hundred ~~eighty-two~~ ~~eighty-five~~ thousand ~~seven~~
30 ~~hundred ninety~~ ~~(182,790)~~ **(185,000)** but less than two hundred
31 ~~fifty~~ thousand ~~(200,000)~~. **(250,000)**.

32 (4) More than one hundred ~~eighteen~~ ~~fifteen~~ thousand ~~(118,000)~~
33 **(115,000)** but less than one hundred ~~twenty~~ ~~twenty-five~~ thousand
34 ~~(120,000)~~. **(125,000)**.

35 (b) The board of managers of a hospital for the treatment of patients
36 afflicted with tuberculosis or other diseases, including chronic diseases
37 and those requiring convalescent care, that contracts with other
38 counties for the treatment of the citizens of other counties, may provide
39 not more than one-half (1/2) of the cost of a program of group life
40 insurance and group health, accident, and hospitalization insurance for
41 the hospital's employees. The members of the families and dependents
42 of the employees may participate in a program of group health,
43 accident, and hospitalization insurance at no cost to the hospital.

44 SECTION 144. IC 16-24-1-16 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 16. (a) The governing
46 board shall appoint a business manager for a tuberculosis hospital



located in the following counties:

- (1) Having a consolidated city.
- (2) Having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (3) Having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~; **(270,000)**.

(b) The business manager is directly responsible to and serves at the pleasure of the governing board. The governing board shall prescribe the duties of the business manager.

SECTION 145. IC 16-24-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) **As used in this section, "county" refers to any of the following:**

- (1) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).**
- (2) A county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).**
- (3) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).**
- (4) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).**

(b) This chapter applies to ~~a the~~ county, ~~that if the~~ county meets the following conditions:

(+) Has a population of:

- (A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);
- (B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);
- (C) more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000); or
- (D) more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).

(-) **(1) The county** owns a hospital for the treatment of patients with tuberculosis or other diseases, including chronic diseases and diseases requiring convalescent care.

(-) **(2) The county** contracts with other counties for the treatment of the citizens of those other counties.

SECTION 146. IC 16-41-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The state department shall adopt rules under IC 4-22-2 that provide for a reasonable period not exceeding forty-five (45) days in which a plan review and permit for residential septic systems must be approved or



disapproved.

(b) This subsection applies to a county with a population of more than ~~seventy-four thousand~~ **seventy-seven thousand (77,000)** but less than eighty thousand (80,000). As used in this subsection, "fill soil" means soil transported and deposited by humans or soil recently transported and deposited by natural erosion forces. A rule that the state department adopts concerning the installation of residential septic systems in fill soil may not prohibit the installation of a residential septic system in fill soil on a plat if:

(1) before the effective date of the rule, the plat of the affected lot was recorded;

(2) there is not an available sewer line within seven hundred fifty (750) feet of the property line of the affected lot; and

(3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.

SECTION 147. IC 20-23-4-44, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred ~~forty-eight thousand~~ **seventy thousand (170,000)** but less than one hundred ~~seventy thousand~~ **seventy-five thousand (175,000)**.

(b) This section applies if there is a:

(1) tie vote in an election for a member of the governing body of a school corporation; or

(2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

(1) select one (1) of the candidates who shall be declared and certified elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a



1 candidate and is involved in a tie vote may not cast a vote under this
2 subsection.

3 (f) If the fiscal body of a township is required to act under this
4 section and a vote in the fiscal body results in a tie, the deciding vote
5 to break the tie vote shall be cast by the executive.

6 SECTION 148. IC 20-23-8-7, AS AMENDED BY P.L.179-2011,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 APRIL 1, 2012]: Sec. 7. (a) A plan or proposed plan must contain the
9 following items:

10 (1) The number of members of the governing body, which shall
11 be:

12 (A) three (3);

13 (B) five (5); or

14 (C) seven (7);

15 members.

16 (2) Whether the governing board shall be elected, appointed, or
17 both.

18 (3) If appointed, when and by whom, and a general description of
19 the manner of appointment that conforms with the requirements
20 of IC 20-23-4-28.

21 (4) A provision that the members of an elected governing board
22 shall be elected at the general election at which county officials
23 are elected.

24 (5) If the governing board will have members who are elected and
25 members who are appointed, the following information:

26 (A) The number of appointed members.

27 (B) When and by whom each of the appointed members are
28 appointed.

29 (C) A general description of the manner of appointment that
30 conforms with the requirements of IC 20-23-4-28.

31 (D) The number of elected members.

32 (E) A general description of the manner of election that
33 conforms with the requirements of IC 20-23-4-27.

34 (6) The limitations on:

35 (A) residence;

36 (B) term of office; and

37 (C) other qualifications;

38 required by members of the governing body.

39 (7) The time the plan takes effect.

40 A plan or proposed plan may have additional details to make the
41 provisions of the plan workable. The details may include provisions
42 relating to the commencement or length of terms of office of the
43 members of the governing body taking office under the plan.

44 (b) Except as provided in subsection (a)(1), in a city having a
45 population of more than ~~fifty-nine~~ **fifty-five** thousand ~~seven hundred~~
46 ~~(59,700)~~ **(55,000)** but less than ~~sixty-five~~ **sixty** thousand ~~(65,000);~~



(60,000), the governing body described in a plan may have up to nine (9) members.

SECTION 149. IC 20-23-8-13, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ~~ninety~~ **eighty** thousand (~~90,000~~) (**80,000**) but less than ~~one hundred five~~ **eighty** thousand (~~105,000~~); **four hundred (80,400)**.

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) The additional members of the governing body are to be appointed by the city executive.

(2) If the plan is subsequently changed to provide for the election of governing body members:

(A) the membership of the governing body may not be less than seven (7); and

(B) the members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes a part of the plan that conflicts with the ordinance;

(2) must be filed with the state superintendent under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

SECTION 150. IC 20-23-12-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~ninety~~ **eighty** thousand (~~90,000~~) (**80,000**) but less than ~~one hundred five~~ **eighty** thousand (~~105,000~~); **four hundred (80,400)**.

SECTION 151. IC 20-23-13-1, AS AMENDED BY P.L.179-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) In a community school corporation established under IC 20-23-4, that

(1) has a population of more than ~~seventy-five~~ **eighty** thousand (~~75,000~~) **five hundred (80,500)** but less than ~~ninety one hundred~~ thousand (~~90,000~~); and (**100,000**),

(2) ~~is the successor in interest to a school city having the same population;~~

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this chapter.



SECTION 152. IC 20-23-14-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ~~thirteen~~ **twelve** thousand ~~nine~~ **five** hundred ~~(13,900)~~ **(12,500)** but less than ~~fourteen~~ **twelve** thousand ~~two~~ **seven** hundred ~~(14,200)~~ **(12,700)**.

SECTION 153. IC 20-23-15-2, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. As used in this chapter, "school corporation" means a school corporation that:

(1) is located in a county having a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(B) more than two hundred ~~fifty~~ **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred ~~seventy~~ **seventy** thousand ~~(300,000)~~ **(270,000)**; and

(2) has at least twenty thousand (20,000) students.

SECTION 154. IC 20-23-16-11, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) In a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)**, if, after April 17, 1963:

(1) proceedings have been undertaken in good faith to form a community school corporation by the consolidation of two (2) or more prior established school corporations;

(2) the community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent; and

(3) the order and decision are not subject to further judicial review;

any bonds issued (before the final order and decision of the court) in the name of the community school corporation to provide funds to be applied on the cost of construction and equipment of a school building are not invalid by reason of the final order and decision of the court but constitute the valid and binding obligation of the prior established school corporation in the territory where the school building was or is being constructed, the same as if the bonds had been validly issued in the name of the prior established school corporation.

(b) This section applies only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on the prior established school corporation.

SECTION 155. IC 20-23-17-1, AS ADDED BY P.L.179-2011, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to a school corporation:



(1) located in a city that has a population of more than ~~forty-six~~
~~forty-seven~~ thousand ~~five hundred (46,500)~~ **(47,000)** but less
 than ~~fifty~~ **forty-nine** thousand ~~eight hundred (50,800);~~ **(49,000);**
 and

(2) for which a referendum has been held:

(A) as required by statute; and

(B) in which a majority of the votes cast approves choosing the
 members of the governing body as provided in this chapter.

SECTION 156. IC 20-23-17.2-1, AS ADDED BY P.L.179-2011,
 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 APRIL 1, 2012]: Sec. 1. This chapter applies to a school corporation
 located in a city that has a population of more than ~~thirty-two~~
~~twenty-nine~~ thousand ~~(32,000)~~ **six hundred (29,600)** but less than
~~thirty-two~~ ~~twenty-nine~~ thousand ~~eight nine~~ hundred ~~(32,800);~~
(29,900).

SECTION 157. IC 20-26-8-13, AS ADDED BY P.L.1-2005,
 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 APRIL 1, 2012]: Sec. 13. (a) In a school township located in a county
 having a population of:

(1) more than four hundred thousand (400,000) but less than
 seven hundred thousand (700,000); or

(2) more than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)** but
 less than ~~three two~~ hundred ~~seventy~~ thousand ~~(300,000);~~
(270,000);

the township trustee, in administering the recreation program under this
 chapter, may supplement the funds by making a reasonable charge for
 admission to any outdoor swimming pool located on the school
 township property and owned by the school township.

(b) With the approval of the township board, the township trustee
 shall establish the admission fee or a schedule of admission fees to be
 collected for the use of the swimming pool. Fees collected shall be
 deposited in a recreation fund established under this chapter.
 Disbursements for personal services, operation, maintenance, and
 repairs of the swimming pool shall be paid from the recreation fund.

SECTION 158. IC 20-33-2-34, AS AMENDED BY P.L.2-2006,
 SECTION 154, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE APRIL 1, 2012]: Sec. 34. (a) This section applies to a
 county having a population of:

(1) more than ~~twenty-seven~~ **twenty-five** thousand ~~(27,000)~~ **eight**
hundred (25,800) but less than ~~twenty-seven~~ ~~twenty-six~~
 thousand ~~two hundred (27,200);~~ **(26,000);** or

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~
(150,000) but less than one hundred ~~forty-eight~~ **seventy** thousand
~~(148,000);~~ **(170,000).**

(b) Notwithstanding sections 32 and 33 of this chapter, in a county
 that has not been completely reorganized under IC 20-23-4, the



governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 35 of this chapter.

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

SECTION 159. IC 22-11-3.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A contractor doing work, other than work for a political subdivision, in a county having a population of:

(1) more than four hundred thousand (400,000), but less than seven hundred thousand (700,000); or

(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~; **(170,000)**;

must obtain a unified license bond as provided in this chapter. This unified license bond is in lieu of any other bond for this type of work required by the county or a city or town within that county, and the bond must be in an amount equal to five thousand dollars (\$5,000).

(b) The unified license bond shall be held for compliance with the ordinances and regulations governing business in the county, or a city or town within that county. The unified license bond required by this chapter shall be filed with the county recorder.

SECTION 160. IC 25-37-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. A county having a population of more than seventeen thousand ~~(17,000)~~ **two hundred fifty (17,250)** but less than seventeen thousand ~~five~~ **three** hundred ~~(17,500)~~ **fifty (17,350)** may require that the holder of a registered retail



1 merchant's certificate under IC 6-2.5-8 obtain a transient merchant
2 license.

3 SECTION 161. IC 27-2-15-4.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4.5. (a) As used in this
5 section, "city" refers to ~~a city having a population of more than~~
6 ~~thirty-five thousand (35,000) that is located in a county having a~~
7 ~~population of more than four hundred thousand (400,000) but less than~~
8 ~~seven hundred thousand (700,000); either of the following:~~

9 **(1) A city having a population of more than eighty thousand**
10 **(80,000) but less than eighty thousand four hundred (80,400).**

11 **(2) A city having a population of more than eighty thousand**
12 **five hundred (80,500) but less than one hundred thousand**
13 **(100,000).**

14 (b) An insurer that issued an insurance policy covering a building
15 or other structure that is:

16 (1) located in a city; and

17 (2) damaged by a fire or explosion;

18 shall notify the enforcement authority of the city about the existence of
19 the policy. However, an insurer is not required to notify the
20 enforcement authority under this section if the policy issued by the
21 insurer is not in effect at the time of the fire or explosion that damages
22 the building or structure.

23 (c) The insurer shall provide the notice required under this section
24 if the enforcement authority makes a request for the notice within
25 twenty (20) days after the damage occurs.

26 (d) The notice required by this section must:

27 (1) be in writing;

28 (2) identify the insurer and state the insurer's address;

29 (3) identify the building or structure and state the location of the
30 building or structure; and

31 (4) disclose the nature and extent of the coverage of the building
32 or structure provided by the policy.

33 (e) An insurer shall provide notice to the enforcement authority
34 under this section within ten (10) days after the insurer is notified
35 under subsection (c) of the damaging of the building or structure by fire
36 or explosion.

37 (f) The commissioner may take action under IC 27-1-3-10 and
38 IC 27-1-3-19 against an insurer that violates this section.

39 SECTION 162. IC 31-31-8-4, AS AMENDED BY P.L.146-2008,
40 SECTION 573, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to a
42 county having a population of more than one hundred ~~ten~~ **eleven**
43 ~~thousand (110,000) (111,000)~~ but less than one hundred fifteen
44 ~~thousand (115,000).~~

45 (b) Notwithstanding section 3 of this chapter, the juvenile court
46 shall operate a juvenile detention facility or juvenile shelter care



1 facility established in the county. However, the county legislative body
 2 shall determine the budget for the juvenile detention facility or juvenile
 3 shelter care facility. The expenses for the juvenile detention facility
 4 shall be paid from the county general fund.

5 SECTION 163. IC 32-25-4-3.5, AS ADDED BY P.L.181-2007,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 APRIL 1, 2012]: Sec. 3.5. (a) This section applies only to a
 8 condominium located on the shore of a lake located in a township with
 9 a population of more than three thousand ~~one hundred (3,100)~~ **(3,000)**
 10 but less than three thousand ~~eight one hundred (3,800)~~ **(3,100)** located
 11 in a county having a population of more than ~~forty-five~~ **forty-seven**
 12 thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven**
 13 thousand ~~nine five hundred (45,900)~~ **(47,500)**.

14 (b) Except as otherwise provided in a statement described in:

15 (1) IC 32-25-7-1(a)(10) and included in:

16 (A) the declaration; or

17 (B) an amendment to the declaration, if the amendment is
 18 approved by at least ninety-five percent (95%) of co-owners;
 19 or

20 (2) IC 32-25-8-2(12) and included in:

21 (A) the bylaws; or

22 (B) an amendment to the bylaws, if the amendment is
 23 approved by the percentage of votes set forth in the bylaws
 24 under IC 32-25-8-2(11);

25 part or all of the common areas and facilities of a condominium may be
 26 conveyed or subjected to a security interest by the association of
 27 co-owners if at least ninety-five percent (95%) of the co-owners,
 28 including at least ninety-five percent (95%) of the co-owners of
 29 condominium units not owned by the declarant, agree to the action.
 30 However, if the common areas and facilities proposed to be conveyed
 31 or encumbered under this section include any limited common areas
 32 and facilities, all the owners of the limited common areas and facilities
 33 to be conveyed or encumbered must agree to the conveyance or
 34 encumbrance.

35 (c) An agreement to convey or encumber common areas and
 36 facilities under this section must be evidenced by an agreement:

37 (1) executed in the same manner as a deed or any other instrument
 38 recognized by the state for the conveyance or transfer of interests
 39 in title; and

40 (2) signed by:

41 (A) at least ninety-five percent (95%) of the co-owners, as
 42 required by this section; or

43 (B) another percentage of the co-owners specified in a
 44 statement described in subsection (b)(1) or (b)(2).

45 An agreement under this subsection is effective upon being recorded.

46 (d) Proceeds from the conveyance or encumbrance of common areas



and facilities under this section shall be distributed to co-owners as common profits under IC 32-25-8-6. However, if the common areas and facilities conveyed or encumbered under this section include limited common areas and facilities, proceeds from the conveyance or encumbrance of the limited common areas and facilities shall be distributed to the owners of the limited common areas and facilities according to the percentage of the owners' undivided interest in the limited common areas and facilities.

(e) A conveyance or encumbrance of common areas and facilities not made in accordance with:

(1) this section; or

(2) a statement described in subsection (b)(1) or (b)(2);
is void.

SECTION 164. IC 32-25-7-1, AS AMENDED BY P.L.181-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) The owner of the land on which a condominium is declared shall record with the recorder of the county in which the land is situated a declaration. Except as provided in section 2 or 3 of this chapter, the declaration must include the following:

(1) A description of the land on which the building and improvements are or are to be located.

(2) A description of the building, stating:

(A) the number of stories and basements; and

(B) the number of condominium units.

(3) A description of the common areas and facilities.

(4) A description of the limited common areas and facilities, if any, stating to which condominium units their use is reserved.

(5) The percentage of undivided interest in the common areas and facilities appertaining to each condominium unit and its owner for all purposes, including voting.

(6) A statement of the percentage of votes by the condominium unit owners required to determine whether to:

(A) rebuild;

(B) repair;

(C) restore; or

(D) sell;

the property if all or part of the property is damaged or destroyed.

(7) Any covenants and restrictions in regard to the use of:

(A) the condominium units; and

(B) common areas and facilities.

(8) Any further details in connection with the property that:

(A) the person executing the declaration considers desirable;

and

(B) are consistent with this article.

(9) The method by which the declaration may be amended in a



manner consistent with this chapter.

(10) This subdivision applies only to a condominium located on the shore of a lake located in a township with a population of more than three thousand ~~one hundred (3,100)~~ **(3,000)** but less than three thousand ~~eight one hundred (3,800)~~ **(3,100)** located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine five hundred (45,900)~~ **(47,500)**. A statement of the percentage of votes by the condominium unit owners required to convey or encumber part or all of the common areas and facilities. A statement under this subdivision may not allow less than ninety-five percent (95%) of the condominium unit owners, or less than ninety-five percent (95%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities. If the declaration does not include a statement under this subdivision, IC 32-25-4-3.5 applies.

(b) A true copy of the bylaws shall be annexed to and made a part of the declaration.

(c) The record of the declaration shall contain a reference to the:

- (1) book;
- (2) page; and
- (3) date of record;

of the floor plans of the building affected by the declaration.

SECTION 165. IC 32-25-8-2, AS AMENDED BY P.L.181-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. The bylaws must provide for the following:

(1) With respect to the board of directors:

- (A) the election of the board from among the co-owners;
- (B) the number of persons constituting the board;
- (C) the expiration of the terms of at least one-third (1/3) of the directors annually;
- (D) the powers and duties of the board, including whether the board may engage the services of a manager or managing agent;
- (E) the compensation, if any, of the directors; and
- (F) the method of removal from office of directors.

(2) The method of calling meetings of the co-owners and the percentage, if other than a majority of co-owners, that constitutes a quorum.

(3) The election from among the board of directors of a president, who shall preside over the meetings of:

- (A) the board of directors; and
- (B) the association of co-owners.

(4) The election of a secretary, who shall keep the minute book in which resolutions shall be recorded.



(5) The election of a treasurer, who shall keep the financial records and books of account.

(6) The maintenance, repair, and replacement of the common areas and facilities and payments for that maintenance, repair, and replacement, including the method of approving payment vouchers.

(7) The manner of collecting from each condominium owner the owner's share of the common expenses.

(8) The designation and removal of personnel necessary for the maintenance, repair, and replacement of the common areas and facilities.

(9) The method of adopting and of amending administrative rules governing the details of the operation and use of the common areas and facilities.

(10) The restrictions on and requirements respecting the use and maintenance of the condominium units and the use of the common areas and facilities that are:

(A) not set forth in the declaration; and

(B) designed to prevent unreasonable interference with the use of their respective units and of the common areas and facilities by the several co-owners.

(11) The percentage of votes required to amend the bylaws.

(12) This subdivision applies only to a condominium located on the shore of a lake located in a township with a population of more than three thousand ~~one hundred (3,100)~~ **(3,000)** but less than three thousand ~~eight one hundred (3,800)~~ **(3,100)** located in a county having a population of more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)** but less than ~~forty-five~~ **forty-seven** thousand ~~nine five hundred (45,900):~~ **(47,500)**. A statement of the percentage of votes by the condominium unit owners required to convey or encumber part or all of the common areas and facilities. A statement under this subdivision may not allow less than ninety-five percent (95%) of the condominium unit owners, or less than ninety-five percent (95%) of the owners of condominium units not owned by the declarant, to convey or encumber part or all of the common areas and facilities. If the bylaws do not include a statement under this subdivision, IC 32-25-4-3.5 applies.

(13) Other provisions consistent with this article considered necessary for the administration of the property.

SECTION 166. IC 33-39-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. The prosecuting attorney of each judicial circuit of the second class within a county having a population of more than two hundred ~~fifty thousand (200,000)~~ **(250,000)** but less than ~~three two hundred seventy thousand (300,000)~~ **(270,000)** shall devote the prosecuting attorney's full professional time



1 to the duties of the prosecuting attorney's office. The prosecuting
 2 attorney may not engage in the private practice of law for the term for
 3 which the prosecuting attorney was elected or appointed, and the
 4 prosecuting attorney is entitled to a minimum annual salary that is not
 5 less than the salary of the judge of the circuit court of the same judicial
 6 circuit.

7 SECTION 167. IC 35-38-2-1, AS AMENDED BY P.L.1-2006,
 8 SECTION 529, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Whenever it places a person
 10 on probation, the court shall:

- 11 (1) specify in the record the conditions of the probation; and
- 12 (2) advise the person that if the person violates a condition of
 13 probation during the probationary period, a petition to revoke
 14 probation may be filed before the earlier of the following:

15 (A) One (1) year after the termination of probation.

16 (B) Forty-five (45) days after the state receives notice of the
 17 violation.

18 (b) In addition, if the person was convicted of a felony and is placed
 19 on probation, the court shall order the person to pay to the probation
 20 department the user's fee prescribed under subsection (d). If the person
 21 was convicted of a misdemeanor, the court may order the person to pay
 22 the user's fee prescribed under subsection (e). The court may:

- 23 (1) modify the conditions (except a fee payment may only be
 24 modified as provided in section 1.7(b) of this chapter); or

- 25 (2) terminate the probation;

26 at any time. If the person commits an additional crime, the court may
 27 revoke the probation.

28 (c) If a clerk of a court collects a probation user's fee, the clerk:

- 29 (1) may keep not more than three percent (3%) of the fee to defray
 30 the administrative costs of collecting the fee and shall deposit any
 31 fee kept under this subsection in the clerk's record perpetuation
 32 fund established under IC 33-37-5-2; and

- 33 (2) if requested to do so by the county auditor, city fiscal officer,
 34 or town fiscal officer under clause (A), (B), or (C), **may** transfer
 35 not more than three percent (3%) of the fee to the:

36 (A) county auditor, who shall deposit the money transferred
 37 under this subdivision into the county general fund;

38 (B) city general fund when requested by the city fiscal officer;

39 or

40 (C) town general fund when requested by the town fiscal
 41 officer.

42 (d) In addition to any other conditions of probation, the court shall
 43 order each person convicted of a felony to pay:

- 44 (1) not less than twenty-five dollars (\$25) nor more than one
 45 hundred dollars (\$100) as an initial probation user's fee;

- 46 (2) a monthly probation user's fee of not less than fifteen dollars



1 (\$15) nor more than thirty dollars (\$30) for each month that the
 2 person remains on probation;

3 (3) the costs of the laboratory test or series of tests to detect and
 4 confirm the presence of the human immunodeficiency virus (HIV)
 5 antigen or antibodies to the human immunodeficiency virus (HIV)
 6 if such tests are required by the court under section 2.3 of this
 7 chapter;

8 (4) an alcohol abuse deterrent fee and a medical fee set by the
 9 court under IC 9-30-9-8, if the court has referred the defendant to
 10 an alcohol abuse deterrent program; and

11 (5) an administrative fee of one hundred dollars (\$100);

12 to either the probation department or the clerk.

13 (e) In addition to any other conditions of probation, the court may
 14 order each person convicted of a misdemeanor to pay:

15 (1) not more than a fifty dollar (\$50) initial probation user's fee;

16 (2) a monthly probation user's fee of not less than ten dollars
 17 (\$10) nor more than twenty dollars (\$20) for each month that the
 18 person remains on probation;

19 (3) the costs of the laboratory test or series of tests to detect and
 20 confirm the presence of the human immunodeficiency virus (HIV)
 21 antigen or antibodies to the human immunodeficiency virus (HIV)
 22 if such tests are required by the court under section 2.3 of this
 23 chapter; and

24 (4) an administrative fee of fifty dollars (\$50);

25 to either the probation department or the clerk.

26 (f) The probation department or clerk shall collect the
 27 administrative fees under subsections (d)(5) and (e)(4) before
 28 collecting any other fee under subsection (d) or (e). All money
 29 collected by the probation department or the clerk under this section
 30 shall be transferred to the county treasurer, who shall deposit the
 31 money into the county supplemental adult probation services fund. The
 32 fiscal body of the county shall appropriate money from the county
 33 supplemental adult probation services fund:

34 (1) to the county, superior, circuit, or municipal court of the
 35 county that provides probation services to adults to supplement
 36 adult probation services; and

37 (2) to supplement the salaries of probation officers in accordance
 38 with the schedule adopted by the county fiscal body under
 39 IC 36-2-16.5.

40 (g) The probation department or clerk shall collect the
 41 administrative fee under subsection (e)(4) before collecting any other
 42 fee under subsection (e). All money collected by the probation
 43 department or the clerk of a city or town court under this section shall
 44 be transferred to the fiscal officer of the city or town for deposit into
 45 the local supplemental adult probation services fund. The fiscal body
 46 of the city or town shall appropriate money from the local supplemental



adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body. Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected by the probation department must be transferred and appropriated as provided under subsection (f).

(h) Except as provided in subsection (j), the county or local supplemental adult probation services fund may be used only to supplement probation services and to supplement salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(i) A person placed on probation for more than one (1) crime:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ **(182,790) (185,000)** but less than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)**. Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

(k) In addition to other methods of payment allowed by law, a probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the county treasurer or city or



town fiscal officer in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 168. IC 36-1-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section applies to cities in a ~~county having a population of: the following counties:~~

(1) ~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or Lake County.~~

(2) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000): St. Joseph County.~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of ~~each the~~ city having a population of ~~more than one hundred thousand (100,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):~~ of Gary:

(1) Board of tenant concerns (formerly governed by IC 18-7-11.5).

(2) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(3) Department of waterworks (formerly governed by IC 19-3-27).

(4) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of ~~each the~~ city having a population of ~~more than thirty-five thousand (35,000) but less than one hundred fifteen thousand (115,000): of Gary, the city of Hammond, the city of South Bend, and the city of Mishawaka:~~

(1) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(2) Department of waterworks (formerly governed by IC 19-3-27).

(3) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

SECTION 169. IC 36-1-3.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section applies to cities in a ~~county having neither: counties other than the following counties:~~

(1) ~~A county having a consolidated city. nor~~

(2) ~~a population of:~~

(A) ~~more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or Lake County.~~

(B) ~~more than two hundred thousand (200,000) but less than three hundred thousand (300,000):~~



1 **(3) St. Joseph County.**

2 (b) Jurisdiction over the following local matters, which before the
3 1981 regular session of the general assembly have been subjects of
4 statutory concern, is transferred to the legislative body of each city
5 having a population of more than fifty thousand (50,000):

6 (1) Regulation of sewers and drains (formerly governed by
7 IC 19-2-11).

8 (2) Benefits for certain municipal utility employees (formerly
9 governed by IC 19-3-29).

10 (c) Jurisdiction over the following local matter, which before the
11 1981 regular session of the general assembly has been the subject of
12 statutory concern, is transferred to the legislative body of each city
13 having a population of more than thirty-five thousand (35,000), but less
14 than fifty thousand (50,000):

15 Regulation of sewers and drains (formerly governed by
16 IC 19-2-11).

17 SECTION 170. IC 36-1-3.5-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section
19 applies to **each Lake County. having a population of more than four**
20 **hundred thousand (400,000) but less than seven hundred thousand**
21 **(700,000).**

22 (b) Jurisdiction over the following local matters, which before the
23 1981 regular session of the general assembly have been subjects of
24 statutory concern, is transferred to the legislative body of the county:

25 (1) Frequency of salary payments (formerly governed by
26 IC 17-3-73-2).

27 (2) Mileage allowances for deputy county auditors (formerly
28 governed by IC 17-3-29-1).

29 (3) County purchasing agency (formerly governed by IC 17-2-77).

30 (4) County data processing agency (formerly governed by
31 IC 17-2-74).

32 SECTION 171. IC 36-1-3.5-6 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section
34 applies to **a Allen County. having a population of more than three**
35 **hundred thousand (300,000) but less than four hundred thousand**
36 **(400,000).**

37 (b) Jurisdiction over the following local matters, which before the
38 1982 regular session of the general assembly have been subjects of
39 statutory concern, is transferred to the executive of the county:

40 (1) Motor vehicles for the county surveyor (formerly governed by
41 IC 17-3-69-1).

42 (2) County purchasing agency (formerly governed by IC 17-2-77).

43 (3) County data processing agency (formerly governed by
44 IC 17-2-73 or IC 17-2-74).

45 (4) Natural beauty roads (formerly governed by IC 19-7-17.5).

46 (5) Building and minimum housing department of the county



(formerly governed by IC 17-2-72.3).

SECTION 172. IC 36-1-3.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to a **St. Joseph County**. ~~having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

SECTION 173. IC 36-1-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to a **Vanderburgh County**. ~~having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).~~

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by IC 17-2-74).

(3) Control of county parks (formerly governed by IC 17-2-76).

SECTION 174. IC 36-1-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section applies to a ~~county having a population of:~~ **the following counties:**

(1) ~~more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);~~ **Elkhart County.**

(2) ~~more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);~~ **Madison County.**

(3) ~~more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);~~ **Tippecanoe County.**

(4) ~~more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000);~~ **Delaware County.**

(5) ~~more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000);~~ **or LaPorte County.**

(6) ~~more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);~~ **Vigo County.**

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the executive of the county:

(1) County purchasing agency (formerly governed by IC 17-2-77).

(2) County data processing agency (formerly governed by



IC 17-2-74).

SECTION 175. IC 36-1-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) This section applies to a **Porter** County. ~~having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).~~

(b) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the executive of the county:

County purchasing agency (formerly governed by IC 17-2-77).

SECTION 176. IC 36-1-11-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.2. (a) This section applies to a city having a population of:

(1) more than ~~ninety eighty~~ thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five eighty~~ thousand ~~(105,000)~~; **four hundred (80,400);**

(2) more than ~~thirty-two twenty-nine~~ thousand ~~(32,000)~~ **six hundred (29,600)** but less than ~~thirty-two twenty-nine~~ thousand ~~eight nine~~ hundred ~~(32,800)~~; **(29,900);** or

(3) more than ~~seventy-five eighty~~ thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety one hundred~~ thousand ~~(90,000)~~; **(100,000).**

(b) Notwithstanding section 3(c) of this chapter, the fiscal body of a city must approve:

(1) every sale of real property having an appraised value of ten thousand dollars (\$10,000) or more;

(2) every lease of real property for which the total annual rental payments will be five thousand dollars (\$5,000) or more; and

(3) every transfer of real property under section 14 or 15 of this chapter.

SECTION 177. IC 36-1-11-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5.6. Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of this chapter, a disposing agent of a county having a population of more than ~~fifty-five seventy~~ thousand ~~(55,000)~~ **(70,000)** but less than ~~sixty-five seventy~~ thousand ~~(65,000)~~ **fifty (70,050)** may sell or transfer:

(1) real property; or

(2) tangible or intangible personal property, licenses, or any interest in the tangible or intangible personal property;

for no compensation or a nominal fee to a nonprofit corporation created for agricultural, educational, or recreational purposes.

SECTION 178. IC 36-2-2-4, AS AMENDED BY P.L.230-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than



seven hundred thousand (700,000); or
 (2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but
 less than ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~
(270,000).

The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

- (1) the members of the Indiana election commission;
- (2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and
- (3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~ **(270,000).** The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

(d) Single-member districts established under subsection (b) or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) contain, as nearly as is possible, equal population; and
- (3) not cross precinct lines.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any



odd-numbered year not described in subsection (e).

SECTION 179. IC 36-2-2-5, AS AMENDED BY P.L.225-2011, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) Except as provided in subsection (e), if the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000);**

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

(e) This subsection applies to a member of the executive who must reside within the district from which the member was elected. A person who:

(1) has begun a term of office as a member of the executive; and

(2) is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use;

may complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

SECTION 180. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) The seven (7) member county council elected under this chapter is the county fiscal body. The fiscal body shall act in the name of "The _____ County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000);~~ **(270,000)**, the county council has nine (9) members.

SECTION 181. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than



1 seven hundred thousand (700,000); or
 2 (2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but
 3 less than ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~
 4 **(270,000)**.

5 The county executive shall, by ordinance, divide the county into four
 6 (4) contiguous, single-member districts that comply with subsection
 7 (d). If necessary, the county auditor shall call a special meeting of the
 8 executive to establish or revise districts. One (1) member of the fiscal
 9 body shall be elected by the voters of each of the four (4) districts.
 10 Three (3) at-large members of the fiscal body shall be elected by the
 11 voters of the whole county.

12 (b) This subsection applies to a county having a population of more
 13 than four hundred thousand (400,000) but less than seven hundred
 14 thousand (700,000). The county redistricting commission established
 15 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 16 districts that comply with subsection (d). One (1) member of the fiscal
 17 body shall be elected by the voters of each of these seven (7)
 18 single-member districts.

19 (c) This subsection applies to a county having a population of more
 20 than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than
 21 ~~three~~ **two** hundred ~~seventy~~ thousand ~~(300,000)~~ **(270,000)**. The fiscal
 22 body shall divide the county into nine (9) single-member districts that
 23 comply with subsection (d). Three (3) of these districts must be
 24 contained within each of the three (3) districts established under
 25 IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by
 26 the voters of each of these nine (9) single-member districts.

27 (d) Single-member districts established under subsection (a), (b), or
 28 (c) must:

- 29 (1) be compact, subject only to natural boundary lines (such as
- 30 railroads, major highways, rivers, creeks, parks, and major
- 31 industrial complexes);
- 32 (2) not cross precinct boundary lines;
- 33 (3) contain, as nearly as possible, equal population; and
- 34 (4) include whole townships, except when a division is clearly
- 35 necessary to accomplish redistricting under this section.

36 (e) A division under subsection (a), (b), or (c) shall be made:

- 37 (1) during the first year after a year in which a federal decennial
- 38 census is conducted; and
- 39 (2) when the county executive adopts an order declaring a county
- 40 boundary to be changed under IC 36-2-1-2.

41 (f) A division under subsection (a), (b), or (c) may be made in any
 42 odd-numbered year not described in subsection (e).

43 SECTION 182. IC 36-2-3.5-1 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 45 to:

- 46 (1) a county having a population of:



(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~ **(270,000)**; and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

SECTION 183. IC 36-2-13-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) This section applies only:

(1) to a county having a population of less than ~~six seven~~ thousand ~~(6,000)~~ **(7,000)**; and

(2) if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than six (6) hours;

(3) not a member of a family that makes less than **one hundred fifty percent** (150%) of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) fifty dollars (\$50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the



ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 184. IC 36-4-1-1, AS AMENDED BY P.L.64-2004, SECTION 34, AND AS AMENDED BY P.L.81-2004, SECTION 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Municipalities are classified according to their status and population as follows:

STATUS AND POPULATION	CLASS
Cities of 600,000 500,000 or more	First class cities
Cities of 35,000 to 599,999 499,999	Second class cities
Cities of less than 35,000	Third class cities
Other municipalities of any population	Towns

(b) Except as provided in subsection (c), a city that attains a population of thirty-five thousand (35,000) remains a second class city even though its population decreases to less than thirty-five thousand (35,000) at the next federal decennial census.

(c) The legislative body of a city to which subsection (b) applies may, by ordinance, adopt third class city status.

SECTION 185. IC 36-4-3-4, AS AMENDED BY P.L.182-2009(ss), SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

- (1) Territory that is contiguous to the municipality.
- (2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated airport or landing field.
- (3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by a municipally owned or regulated sanitary landfill, golf course, or hospital. However, if territory annexed under this subsection ceases to be used as a municipally owned or regulated sanitary landfill, golf course, or hospital for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

- (1) more than ~~seventy-three~~ ~~seventy~~ thousand (~~73,000~~) **fifty (70,050)** but less than ~~seventy-four~~ ~~seventy-one~~ thousand



~~(74,000); (71,000);~~

(2) more than ~~seventy-one~~ **seventy-five** thousand ~~four hundred~~
~~(71,400)~~ **(75,000)** but less than ~~seventy-three~~ **seventy-seven**
 thousand ~~(73,000); (77,000);~~

(3) more than ~~seventy~~ **seventy-one** thousand ~~(70,000)~~ **(71,000)** but
 less than ~~seventy-one~~ **seventy-five** thousand ~~(71,000); (75,000);~~

(4) more than ~~forty-five~~ **forty-seven** thousand ~~(45,000)~~ **(47,000)**
 but less than ~~forty-five~~ **forty-seven** thousand ~~nine five hundred~~
~~(45,900); (47,500);~~

(5) more than ~~forty~~ **thirty-eight** thousand ~~nine five hundred~~
~~(40,900)~~ **(38,500)** but less than ~~forty-one~~ **thirty-nine** thousand
~~(41,000); (39,000);~~

(6) more than ~~thirty-eight~~ **thirty-seven** thousand ~~(38,000)~~ **(37,000)**
 but less than ~~thirty-nine~~ **thirty-seven** thousand ~~(39,000); one~~
hundred twenty-five (37,125);

(7) more than ~~thirty~~ **thirty-three** thousand ~~(30,000)~~ **three hundred**
(33,300) but less than ~~thirty~~ **thirty-three** thousand ~~seven five~~
 hundred ~~(30,700); (33,500);~~

(8) more than twenty-three thousand ~~five~~ **three** hundred ~~(23,500)~~
(23,300) but less than twenty-four thousand (24,000);

(9) more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven~~
~~hundred ninety~~ **(182,790) (185,000)** but less than ~~three two~~
 hundred **fifty** thousand ~~(300,000); or (250,000);~~

(10) more than two hundred fifty thousand (250,000) but less
than two hundred seventy thousand (270,000); or

~~(10)~~ **(11) more than thirty-four** **thirty-two** thousand ~~nine five~~
 hundred ~~fifty~~ **(34,950) (32,500)** but less than ~~thirty-six~~ **thirty-three**
 thousand ~~(36,000); (33,000).~~

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the



1 annexation.

2 (c) A city in a county with a population of more than two hundred
3 **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred
4 **seventy** thousand ~~(300,000)~~ **(270,000)** may not annex territory as
5 prescribed in subsection (b) until the territory is zoned by the county
6 for industrial purposes.

7 (d) Notwithstanding any other law, territory that is annexed under
8 subsection (b) or (h) is not considered a part of the municipality for the
9 purposes of:

10 (1) annexing additional territory:

11 (A) in a county that is not described by clause (B); or

12 (B) in a county having a population of more than two hundred
13 **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two**
14 hundred **seventy** thousand ~~(300,000)~~ **(270,000)**, unless the
15 boundaries of the noncontiguous territory become contiguous to
16 the city, as allowed by Indiana law;

17 (2) expanding the municipality's extraterritorial jurisdictional area;
18 or

19 (3) changing an assigned service area under IC 8-1-2.3-6(1).

20 (e) As used in this section, "airport" and "landing field" have the
21 meanings prescribed by IC 8-22-1.

22 (f) As used in this section, "hospital" has the meaning prescribed by
23 IC 16-18-2-179(b).

24 (g) An ordinance adopted under this section must assign the territory
25 annexed by the ordinance to at least one (1) municipal legislative body
26 district.

27 (h) This subsection applies to a city having a population of more than
28 ~~thirty-one~~ **twenty-nine** thousand ~~(31,000)~~ **nine hundred (29,900)** but
29 ~~less than thirty-two~~ **thirty-one** thousand ~~(32,000)~~ **(31,000)**. The city
30 legislative body of a city may, by ordinance, annex territory that:

31 (1) is not contiguous to the city;

32 (2) has its entire area not more than eight (8) miles from the city's
33 boundary;

34 (3) does not extend more than:

35 (A) one and one-half (1 1/2) miles to the west;

36 (B) three-fourths (3/4) mile to the east;

37 (C) one-half (1/2) mile to the north; or

38 (D) one-half (1/2) mile to the south;

39 of an interchange of an interstate highway (as designated by the
40 federal highway authorities) and a state highway (as designated by
41 the state highway authorities); and

42 (4) is owned by the city or by a property owner that consents to the
43 annexation.

44 SECTION 186. IC 36-4-3-4.1, AS AMENDED BY P.L.71-2006,
45 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
46 APRIL 1, 2012]: Sec. 4.1. (a) The legislative body of a municipality



may, by ordinance, annex territory that:

(1) is contiguous to the municipality;

(2) ~~in the case of is in~~ a town having a population of more than:

(A) ~~fifteen~~ **twenty-five** thousand ~~(15,000); (25,000);~~ or

(B) ~~five ten~~ thousand ~~(5,000) (10,000)~~ but less than ~~six~~ **twenty** thousand ~~three hundred (6,300); (20,000);~~

located in a county having a population of more than one hundred **forty** thousand ~~(100,000) (140,000)~~ but less than one hundred **five** **fifty** thousand ~~(105,000); (150,000)~~, **if the town** has its entire area within the township within which the town is primarily located; and

(3) is owned by a property owner who consents to the annexation.

(b) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under IC 6-1.1 for municipal purposes may be exempted for a period of not more than ten (10) years.

(c) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

(d) Territory annexed under this section may not be considered a part of the municipality for purposes of annexing additional territory under section 3 or 4 of this chapter. However, territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or 5.1 of this chapter.

SECTION 187. IC 36-4-3-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. (a) A municipality may, in an ordinance adopted under section 3 or 4 of this chapter, abate a portion of the property tax liability under IC 6-1.1 for municipal purposes for all property owners in the annexed territory.

(b) An ordinance adopted under subsection (a) must provide the following:

(1) A tax abatement program that is in effect for not more than three (3) taxable years after an annexation occurs.

(2) Except single family residential property described by subdivision (3), a tax abatement for all classes of property that does not exceed:

(A) seventy-five percent (75%) of a taxpayer's liability in the first year of the abatement program;

(B) fifty percent (50%) of a taxpayer's liability in the second year of the abatement program; and

(C) twenty-five percent (25%) of a taxpayer's liability in the third year of the abatement program.



(3) For a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~ **(270,000)** a tax abatement for single family residential property that does not exceed:

(A) ninety percent (90%) of a taxpayer's liability in the first year of the abatement program;

(B) eighty percent (80%) of a taxpayer's liability in the second year of the abatement program;

(C) sixty percent (60%) of a taxpayer's liability in the third year of the abatement program;

(D) forty percent (40%) of a taxpayer's liability in the fourth year of the abatement program; and

(E) twenty percent (20%) of a taxpayer's liability in the fifth year of the abatement program.

(4) The procedure by which an eligible property owner receives a tax abatement under this section.

SECTION 188. IC 36-4-3-13, AS AMENDED BY P.L.111-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written



1 fiscal plan and has established a definite policy, by resolution of the
 2 legislative body as set forth in section 3.1 of this chapter. The fiscal
 3 plan must show the following:

4 (1) The cost estimates of planned services to be furnished to the
 5 territory to be annexed. The plan must present itemized estimated
 6 costs for each municipal department or agency.

7 (2) The method or methods of financing the planned services. The
 8 plan must explain how specific and detailed expenses will be
 9 funded and must indicate the taxes, grants, and other funding to be
 10 used.

11 (3) The plan for the organization and extension of services. The
 12 plan must detail the specific services that will be provided and the
 13 dates the services will begin.

14 (4) That planned services of a noncapital nature, including police
 15 protection, fire protection, street and road maintenance, and other
 16 noncapital services normally provided within the corporate
 17 boundaries, will be provided to the annexed territory within one (1)
 18 year after the effective date of annexation and that they will be
 19 provided in a manner equivalent in standard and scope to those
 20 noncapital services provided to areas within the corporate
 21 boundaries regardless of similar topography, patterns of land use,
 22 and population density.

23 (5) That services of a capital improvement nature, including street
 24 construction, street lighting, sewer facilities, water facilities, and
 25 stormwater drainage facilities, will be provided to the annexed
 26 territory within three (3) years after the effective date of the
 27 annexation in the same manner as those services are provided to
 28 areas within the corporate boundaries, regardless of similar
 29 topography, patterns of land use, and population density, and in a
 30 manner consistent with federal, state, and local laws, procedures,
 31 and planning criteria.

32 (e) At the hearing under section 12 of this chapter, the court shall do
 33 the following:

34 (1) Consider evidence on the conditions listed in subdivision (2).

35 (2) Order a proposed annexation not to take place if the court finds
 36 that all of the conditions set forth in clauses (A) through (D) and,
 37 if applicable, clause (E) exist in the territory proposed to be
 38 annexed:

39 (A) The following services are adequately furnished by a
 40 provider other than the municipality seeking the annexation:

41 (i) Police and fire protection.

42 (ii) Street and road maintenance.

43 (B) The annexation will have a significant financial impact on
 44 the residents or owners of land.

45 (C) The annexation is not in the best interests of the owners of
 46 land in the territory proposed to be annexed as set forth in



subsection (f).

(D) One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~ **(270,000)**. However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.



(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) The most recent:

(1) federal decennial census;

(2) federal special census;

(3) special tabulation; or

(4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

SECTION 189. IC 36-4-3-24, AS ADDED BY P.L.220-2011, SECTION 651, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 24. (a) This section applies to a second class city located in a **Tippecanoe** County. ~~having a population of more than one hundred twenty thousand (120,000) and less than one hundred twenty-seven thousand (127,000) as reported by the 1980 federal decennial census.~~

(b) Notwithstanding any other law, if a city annexed territory before March 1, 1990, and the annexation proceedings included a technical failure to describe a public way that separates the annexed territory from the city, the annexation is legalized and declared valid.

(c) Notwithstanding any other law, if the redevelopment commission of a city adopted a declaratory resolution under IC 36-7-14-15 before March 1, 1990, for any of the annexed territory described in subsection (b), the declaratory resolution is legalized and declared valid. If the declaratory resolution designated any of the annexed territory as an allocation area under IC 36-7-14-39, the assessment date for purposes of determining the base assessed value of the economic development area for purposes of IC 36-7-14-39 is March 1, 1989.

SECTION 190. IC 36-4-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) In a second class city, the corporation counsel is the head of the department of law. ~~His~~ **The corporation counsel's** first deputy is the city attorney, and ~~his~~ **the corporation counsel's** second deputy is the assistant city attorney.

(b) In a third class city, the city attorney is the head of the department of law.

(c) To be eligible to be appointed as the head of the department of law, a person must meet the following requirements:

(1) Be admitted to the practice of law in Indiana.

(2) Except as provided in subdivision (3), be a resident of the



1 county in which the city is located.

2 (3) For a third class city located in a county having a population of
3 less than ~~six~~ **seven** thousand ~~(6,000)~~; **(7,000)**, be a resident of
4 Indiana.

5 SECTION 191. IC 36-5-1-7.1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7.1. The executive of
7 a county having a population of more than ~~fifty-five~~ **seventy** thousand
8 ~~(55,000)~~ **(70,000)** but less than ~~sixty-five~~ **seventy** thousand ~~(65,000)~~
9 **fifty (70,050)** is exempt from:

10 (1) the requirements of section 7(a) of this chapter; and

11 (2) the requirements of section 7(b) of this chapter if the second or
12 third class city is within a county containing a consolidated city.

13 SECTION 192. IC 36-5-4-13 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. (a) Except as
15 provided in subsection (c), this subsection applies to a town with a
16 population of five hundred (500) or less. Notwithstanding the
17 provisions of any other statute, a town may transfer money from any
18 town fund to another town fund after the passage of an ordinance or a
19 resolution by the town legislative body specifying the:

20 (1) amount of the transfer;

21 (2) funds involved;

22 (3) date of the transfer; and

23 (4) general purpose of the transfer.

24 (b) Except as provided in subsection (c), this subsection applies to a
25 town having a population of more than five hundred (500) but less than
26 two thousand (2,000). Notwithstanding IC 8-14-1 and IC 8-14-2, a
27 town may transfer money distributed to the town from:

28 (1) the motor vehicle highway account under IC 8-14-1;

29 (2) the local road and street account under IC 8-14-2; or

30 (3) the:

31 (A) motor vehicle highway account under IC 8-14-1; and

32 (B) local road and street account under IC 8-14-2;

33 to any other town fund after the passage of an ordinance or a resolution
34 by the town legislative body that specifies the amount of the transfer,
35 the funds involved, the date of the transfer, and the general purpose of
36 the transfer. However, the total amount of all money transferred by a
37 town under this subsection may not exceed forty thousand dollars
38 (\$40,000).

39 (c) A:

40 (1) municipality located in a county having a population of more
41 than ~~fourteen~~ **fifteen** thousand ~~nine hundred (14,900)~~ **(15,000)** but
42 less than ~~sixteen~~ **fifteen** thousand ~~(16,000)~~; **five hundred**
43 **(15,500)**; and

44 (2) town:

45 (A) located in a county having a population of more than
46 ~~thirty-four~~ **thirty-seven** thousand ~~nine one hundred (34,900)~~



1 **twenty-five (37,125)** but less than ~~thirty-four~~ **thirty-seven**
 2 thousand ~~nine five hundred fifty (34,950); (37,500);~~ and
 3 (B) having a population of less than one thousand (1,000);
 4 may not transfer money under this section to or from a food and
 5 beverage tax receipts fund established under IC 6-9.

6 SECTION 193. IC 36-7-4-202 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 202. (a) ADVISORY.
 8 The legislative body of a county or municipality may establish by
 9 ordinance an advisory plan commission. In addition, in a county having
 10 a population of:

- 11 (1) more than one hundred ~~seventy~~ **seventy-five** thousand
 12 ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five**
 13 thousand ~~(180,000); (185,000);~~ or
 14 (2) more than one hundred ~~eighteen~~ **fifteen** thousand ~~(118,000)~~
 15 **(115,000)** but less than one hundred ~~twenty~~ **twenty-five** thousand
 16 ~~(120,000); (125,000);~~

17 the legislative bodies of that county and of the city having the largest
 18 population in that county may establish by identical ordinances a
 19 metropolitan plan commission as a department of county government.
 20 These ordinances must specify the legal name of the commission for
 21 purposes of section 404(a) of this chapter.

22 (b) AREA. There may be established in each county an area planning
 23 department in the county government, having:

- 24 (1) an area plan commission;
- 25 (2) an area board of zoning appeals;
- 26 (3) an executive director; and
- 27 (4) such staff as the area plan commission considers necessary.

28 Each municipality and each county desiring to participate in the
 29 establishment of a planning department may adopt an ordinance
 30 adopting the area planning law, fix a date for the establishment of the
 31 planning department, and provide for the appointment of its
 32 representatives to the commission. When a municipality or a county
 33 adopts such an ordinance, it shall certify a copy of ~~it~~ **the ordinance** to
 34 each legislative body within the county. When a county and at least one
 35 (1) municipality within the county each adopt an ordinance adopting
 36 the area planning law and fix a date for the establishment of the
 37 department, the legislative body of the county shall establish the
 38 planning department.

39 (c) METRO. A metropolitan development commission is established
 40 in the department of metropolitan development of the consolidated city.
 41 The legislative body of the consolidated city may adopt ordinances to
 42 regulate the following:

- 43 (1) The time that the commission holds its meetings.
- 44 (2) The voting procedures of the commission.

45 SECTION 194. IC 36-7-4-918.6 IS AMENDED TO READ AS
 46 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 918.6. (a) This section



1 applies to a county having a population of:

2 (1) more than four hundred thousand (400,000) but less than seven
3 hundred thousand (700,000); or

4 (2) more than two hundred ~~fifty~~ thousand ~~(200,000)~~ **(250,000)** but
5 less than ~~three two~~ hundred ~~seventy~~ thousand ~~(300,000)~~;
6 **(270,000)**.

7 (b) ADVISORY—AREA. Notwithstanding sections 918.2, 918.4, and
8 918.5 of this chapter, a zoning or subdivision control ordinance shall
9 require that the board of zoning appeals submit any of the following
10 petitions to the legislative body for approval or disapproval:

11 (1) Special exceptions.

12 (2) Special uses.

13 (3) Use variances.

14 (c) ADVISORY—AREA. The board of zoning appeals shall file a
15 petition under this section with the clerk of the legislative body with:

16 (1) a favorable recommendation;

17 (2) an unfavorable recommendation; or

18 (3) no recommendation.

19 (d) ADVISORY—AREA. The legislative body shall give notice under
20 IC 5-14-1.5-5 of its intention to consider the petition at its first regular
21 meeting after the board of zoning appeals files its recommendation.

22 (e) ADVISORY—AREA. A petition is granted or denied when the
23 legislative body votes on the petition as follows:

24 (1) In a county described in subsection (a)(1), the legislative body
25 shall vote on the petition within ninety (90) days after the board of
26 zoning appeals makes its recommendation. If the legislative body
27 does not vote to deny the petition within ninety (90) days, the
28 petition is considered approved.

29 (2) In a county described in subsection (a)(2), the legislative body
30 shall vote on the petition within sixty (60) days after the board of
31 zoning appeals makes its recommendations. If the legislative body
32 does not vote to deny the petition within sixty (60) days, the
33 petition is approved.

34 (f) ADVISORY—AREA. If the legislative body approves a petition,
35 it must make the determination in writing as required under section
36 918.2, 918.4, or 918.5 of this chapter or as required by the zoning
37 ordinance.

38 SECTION 195. IC 36-7-4-1103 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1103. (a) This section
40 does not apply to a plan commission exercising jurisdiction in a county
41 having a population of more than twenty thousand ~~three nine~~ hundred
42 ~~(20,300)~~ **(20,900)** but less than ~~twenty twenty-one~~ thousand ~~five~~
43 ~~hundred (20,500)~~ **(21,000)**.

44 (b) ADVISORY—AREA. For purposes of this section, urban areas
45 include all lands and lots within the corporate boundaries of a
46 municipality, any other lands or lots used for residential purposes



where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(c) ADVISORY—AREA. This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee of them.

SECTION 196. IC 36-7-4-1210.5, AS AMENDED BY P.L.39-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1210.5. (a) ADVISORY. As used in this section, "municipality" refers to the most populous municipality in the jurisdiction of the plan commission.

(b) ADVISORY. This section applies to a plan commission operating under a joinder agreement **in a county**:

(1) ~~in a county~~ having a population of more than ~~one two~~ hundred ~~eighty seventy~~ thousand ~~(180,000)~~ **(270,000)** but less than ~~one~~ **three** hundred ~~eighty-two~~ thousand ~~seven hundred ninety~~ ~~(182,790)~~; **(300,000)**; and

(2) containing:

(A) a township having a population of more than ~~eighteen~~ **thirty-two** thousand ~~(18,000)~~ **(32,000)** but less than ~~twenty-five~~ **fifty** thousand ~~(25,000)~~; **(50,000)**; or

(B) a township having a population of more than nine thousand (9,000) but less than fifteen thousand (15,000).

(c) ADVISORY. Notwithstanding section 1210 of this chapter, a plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Four (4) members who are residents of the municipality, to be appointed for four (4) year terms by the executive of the municipality.

(2) Three (3) members who are residents of the municipality, to be appointed for four (4) year terms by the legislative body of the municipality.

(3) Two (2) members who are residents of the township, to be appointed for four (4) year terms by the township executive with the approval of the township legislative body.

(d) The joinder agreement expires if the municipality annexes the entire area of a township described in subsection (b)(2).

(e) A joinder agreement under this section may be terminated if:

(1) the municipality adopts an ordinance terminating the joinder agreement;

(2) before adopting the ordinance under subdivision (1), the municipality conducts a public hearing on the issue of terminating the joinder agreement; and

(3) the executive of the municipality provides written notice to the township executive of the township subject to the joinder



1 agreement that states the reason for the municipality's termination
2 of the joinder agreement.

3 SECTION 197. IC 36-7-5.1-11 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) Each member
5 of the commission must have:

- 6 (1) knowledge and experience regarding affairs in the joint district;
- 7 (2) awareness of the social, economic, agricultural, and industrial
8 conditions of the joint district; and
- 9 (3) an interest in the development of the joint district.

10 (b) A challenge to the appointment of a member based on the
11 qualifications described in subsection (a) must be filed within thirty
12 (30) days after the appointment. The challenge may be filed in the
13 circuit court of any county that contains the entire joint district or any
14 part of the joint district.

15 (c) Except as provided in subsection (d), a member must be a
16 resident of a county where a part of the joint district is located or reside
17 within ten (10) miles of the borders of the district.

18 (d) In a joint district that contains all or part of a county having a
19 population of more than ~~seventy-one~~ **seventy-five** thousand ~~four~~
20 ~~hundred (71,400)~~ but less than ~~seventy-three~~ **seventy-seven** thousand
21 ~~(73,000); (77,000)~~, two (2) of the members appointed by the legislative
22 body of that county under section 9(1) of this chapter must, in addition
23 to the requirements of subsections (a) and (b), be residents of any
24 township that is entirely or partially located within the joint district.

25 SECTION 198. IC 36-7-7.5-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
27 to a county having the following population:

- 28 (1) More than ~~thirty-nine~~ **forty** thousand ~~six hundred (39,600)~~
29 ~~(40,000)~~ but less than ~~forty~~ **forty-two** thousand ~~(40,000);~~
30 ~~(42,000)~~.
- 31 (2) More than nineteen thousand ~~three~~ **five** hundred ~~(19,300)~~
32 ~~(19,500)~~ but less than twenty thousand (20,000). ~~or~~
- 33 (3) More than ten thousand seven hundred (10,700) but less than
34 twelve thousand (12,000).

35 SECTION 199. IC 36-7-7.6-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
37 to the area consisting of the following counties:

- 38 (1) A county having a population of more than four hundred
39 thousand (400,000) but less than seven hundred thousand
40 (700,000).
- 41 (2) A county having a population of more than one hundred
42 ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one
43 hundred ~~forty-eight~~ **seventy** thousand ~~(148,000); (170,000)~~.
- 44 (3) A county having a population of more than one hundred ~~ten~~
45 **eleven** thousand ~~(110,000)~~ **(111,000)** but less than one hundred
46 fifteen thousand (115,000).



SECTION 200. IC 36-7-11-4, AS AMENDED BY P.L.126-2011, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. In the case of a commission with jurisdiction in a city having a population of more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty ten~~ thousand ~~(120,000)~~, **(110,000)**, the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.

(b) The ordinance may provide qualifications for members of the commission, but members must be residents of the unit who are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(c) The ordinance may:

- (1) designate an officer or employee of the unit to act as administrator;
- (2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or
- (3) provide that the commission act without the services of an administrator.

(d) Members of the commission shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

(e) The commission shall elect from its membership a chairman and vice chairman, who shall serve for one (1) year and may be reelected.

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the



1 commission shall elect a secretary from its membership.

2 (g) The commission shall hold regular meetings, at least monthly,
3 except when it has no business pending.

4 (h) A final decision of the commission is subject to judicial review
5 under IC 36-7-4 as if it were a final decision of a board of zoning
6 appeals.

7 SECTION 201. IC 36-7-11-8.5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8.5. (a) When
9 submitting a map to the legislative body under section 7 or 8 of this
10 chapter, the commission may declare one (1) or more buildings or
11 structures that are classified and designated as historic on the map to
12 be under interim protection.

13 (b) Not more than two (2) working days after declaring a building or
14 structure to be under interim protection under this section, the
15 commission shall, by personal delivery or first class mail, provide the
16 owner or occupant of the building or structure with a written notice of
17 the declaration. The written notice must:

18 (1) cite the authority of the commission to put the building or
19 structure under interim protection under this section;

20 (2) explain the effect of putting the building or structure under
21 interim protection; and

22 (3) indicate that the interim protection is temporary.

23 (c) A building or structure put under interim protection under
24 subsection (a) remains under interim protection until:

25 (1) in a county other than a county described in subdivision (2), the
26 map is:

27 (A) submitted to; and

28 (B) approved in an ordinance or rejected by;

29 the legislative body of the unit; or

30 (2) in a county having a population of more than two hundred **fifty**
31 thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred
32 **seventy** thousand ~~(300,000)~~ **(270,000)**, the earlier of:

33 (A) thirty (30) days after the building or structure is declared to
34 be under interim protection; or

35 (B) the date the map is:

36 (i) submitted to; and

37 (ii) approved in an ordinance or rejected by;

38 the legislative body of the unit.

39 (d) While a building or structure is under interim protection under
40 this section:

41 (1) the building or structure may not be demolished or moved; and

42 (2) the exterior appearance of the building or structure may not be
43 conspicuously changed by:

44 (A) addition;

45 (B) reconstruction; or

46 (C) alteration.



SECTION 202. IC 36-7-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 22. (a) This section applies only to a county having a population of more than two hundred **fifty thousand** ~~(200,000)~~ **(250,000)** but less than ~~three two hundred seventy thousand~~ ~~(300,000)~~ **(270,000)**.

(b) Notwithstanding any other provision, in the case of a building or structure owned by a political subdivision that is classified by a commission as historic and for which the classification is approved by the legislative body of the unit that established the commission, the commission may remove the historic classification of the building or structure without the adoption of an ordinance by the legislative body of the unit if the commission determines that removal of the classification is in the best interest of the unit and the political subdivision.

SECTION 203. IC 36-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) After approval by ordinance or resolution of the legislative body of a municipality located in a county having a population of:

(1) more than one hundred ~~twenty thirty-five thousand~~ ~~(120,000)~~ **(135,000)** but less than one hundred ~~thirty thirty-eight thousand~~ ~~(130,000)~~ **(138,000)**;

(2) more than two hundred **fifty thousand** ~~(200,000)~~ **(250,000)** but less than ~~three two hundred seventy thousand~~ ~~(300,000)~~ **(270,000)**; or

(3) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

the executive of the municipality may submit an application to an advisory commission on industrial development requesting that an area within the municipality be designated as a district.

(b) After approval by ordinance or resolution of the legislative body of a county, the executive of the county may submit an application to an advisory commission on industrial development requesting that an area within the county, but not within a municipality, be designated as a district. However, in a county having a population of more than one hundred ~~eighteen fifteen thousand~~ ~~(118,000)~~ **(115,000)** but less than one hundred ~~twenty twenty-five thousand~~ ~~(120,000)~~ **(125,000)**, the legislative body of the county may request that an area within the county be designated as a district even if the area is within a municipality.

SECTION 204. IC 36-7-13-10.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10.7. (a) This section applies to a district designated under section 10.5 of this chapter and approved by the budget agency before January 1, 2002, in a city having a population of more than ~~thirty-one twenty-nine thousand~~ ~~(31,000)~~ **nine hundred (29,900)** but less than ~~thirty-two thirty-one thousand~~ ~~(32,000)~~ **(31,000)**.



(b) An area is added to and becomes part of a district described in subsection (a) if the area consists of property that:

(1) is located in a city having a population of more than ~~thirty-one~~ **twenty-nine** thousand (~~31,000~~) **nine hundred (29,900)** but less than ~~thirty-two~~ **thirty-one** thousand (~~32,000~~); **(31,000)**; and

(2) experienced a loss of at least three hundred (300) jobs during the calendar year ending December 31, 2001.

(c) After the addition of property to a district described in subsection (a) under this section, the gross retail base period amount determined under section 2.4 of this chapter for the district before the addition of the property to the district under this section shall be increased by an amount equal to:

(1) the aggregate amount of state gross retail and use taxes remitted:

(A) under IC 6-2.5 by the businesses operating in the area added to the district under subsection (b); and

(B) during the period beginning after December 31, 2001, and ending before February 1, 2002; multiplied by

(2) twelve (12).

(d) After the addition of property to a district described in subsection (a) under this section, the income tax base period amount determined under section 3.2 of this chapter for the district before the addition of the property to the district under this section shall be increased by an amount equal to:

(1) the aggregate amount of state and local income taxes paid:

(A) by employees employed in the area added to the district under subsection (b) with respect to wages and salary earned for work in the area added; and

(B) during the period beginning after December 31, 2001, and ending before February 1, 2002; multiplied by

(2) twelve (12).

(e) The addition of property to a district under this section does not require adoption of an ordinance, review by the budget committee, or approval of the budget agency under section 10.5 of this chapter.

SECTION 205. IC 36-7-13-12, AS AMENDED BY P.L.113-2010, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 12. (a) If a municipal or county executive has submitted an application to an advisory commission on industrial development requesting that an area be designated as a district under this chapter and the advisory commission has compiled and prepared the information required under section 11 of this chapter concerning the area, the advisory commission may adopt a resolution designating the area as a district if it makes the findings described in subsection (b), (c), (d), or (e). In a county described in subsection (c), an advisory commission may designate more than one (1) district under subsection (c).



(b) For an area located in a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand (~~120,000~~) (**135,000**) but less than one hundred ~~thirty~~ **thirty-eight** thousand (~~130,000~~) (**138,000**), an advisory commission may adopt a resolution designating a particular area as a district only after finding all of the following:

- (1) The area contains a building or buildings:
 - (A) with at least one million (1,000,000) square feet of usable interior floor space; and
 - (B) that is or are vacant or will become vacant due to the relocation of an employer.
- (2) At least one thousand (1,000) fewer persons are employed in the area than were employed in the area during the year that is ten (10) years previous to the current year.
- (3) There are significant obstacles to redevelopment of the area due to any of the following problems:
 - (A) Obsolete or inefficient buildings.
 - (B) Aging infrastructure or inefficient utility services.
 - (C) Utility relocation requirements.
 - (D) Transportation or access problems.
 - (E) Topographical obstacles to redevelopment.
 - (F) Environmental contamination.
- (4) The unit has expended, appropriated, pooled, set aside, or pledged at least one hundred thousand dollars (\$100,000) for purposes of addressing the redevelopment obstacles described in subdivision (3).
- (5) The area is located in a county having a population of more than one hundred ~~twenty~~ **thirty-five** thousand (~~120,000~~) (**135,000**) but less than one hundred ~~thirty~~ **thirty-eight** thousand (~~130,000~~) (**138,000**).

(c) For a county having a population of more than one hundred ~~eighteen~~ **fifteen** thousand (~~118,000~~) (**115,000**) but less than one hundred ~~twenty~~ **twenty-five** thousand (~~120,000~~) (**125,000**), an advisory commission may adopt a resolution designating not more than three (3) areas as districts. An advisory commission may designate an area as a district only after finding the following:

- (1) The area meets at least one (1) of the following conditions:
 - (A) The area meets the following conditions:
 - (i) The area contains a building with at least seven hundred ninety thousand (790,000) square feet.
 - (ii) At least eight hundred (800) fewer people are employed in the area than were employed in the area during the year that is fifteen (15) years previous to the current year.
 - (iii) The area is located in or is adjacent to an industrial park.
 - (B) The area meets the following conditions:
 - (i) The area contains a building with at least three hundred eighty-six thousand (386,000) square feet.



- 1 (ii) At least four hundred (400) fewer people are employed in
- 2 the area than were employed in the area during the year that is
- 3 fifteen (15) years previous to the current year.
- 4 (iii) The area is located in or is adjacent to an industrial park.
- 5 (C) The area meets the following conditions:
- 6 (i) The area contains a building with at least one million
- 7 (1,000,000) square feet.
- 8 (ii) At least seven hundred (700) fewer people are employed
- 9 in the area than were employed in the area on January 1, 2008.
- 10 (2) There are significant obstacles to redevelopment of the area
- 11 due to any of the following problems:
- 12 (A) Obsolete or inefficient buildings.
- 13 (B) Aging infrastructure or inefficient utility services.
- 14 (C) Utility relocation requirements.
- 15 (D) Transportation or access problems.
- 16 (E) Topographical obstacles to redevelopment.
- 17 (F) Environmental contamination.
- 18 (3) The area is located in a county having a population of more
- 19 than one hundred ~~eighteen fifteen~~ thousand ~~(118,000)~~ **(115,000)**
- 20 but less than one hundred ~~twenty twenty-five~~ thousand ~~(120,000)~~
- 21 **(125,000)**.
- 22 (d) For an area located in a county having a population of more than
- 23 two hundred ~~fifty thousand~~ ~~(200,000)~~ **(250,000)** but less than ~~three two~~
- 24 hundred ~~seventy~~ thousand ~~(300,000)~~ **(270,000)**, an advisory
- 25 commission may adopt a resolution designating a particular area as a
- 26 district only after finding all of the following:
- 27 (1) The area contains a building or buildings:
- 28 (A) with at least one million five hundred thousand (1,500,000)
- 29 square feet of usable interior floor space; and
- 30 (B) that is or are vacant or will become vacant.
- 31 (2) At least eighteen thousand (18,000) fewer persons are
- 32 employed in the area at the time of application than were employed
- 33 in the area before the time of application.
- 34 (3) There are significant obstacles to redevelopment of the area
- 35 due to any of the following problems:
- 36 (A) Obsolete or inefficient buildings.
- 37 (B) Aging infrastructure or inefficient utility services.
- 38 (C) Utility relocation requirements.
- 39 (D) Transportation or access problems.
- 40 (E) Topographical obstacles to redevelopment.
- 41 (F) Environmental contamination.
- 42 (4) The unit has expended, appropriated, pooled, set aside, or
- 43 pledged at least one hundred thousand dollars (\$100,000) for
- 44 purposes of addressing the redevelopment obstacles described in
- 45 subdivision (3).
- 46 (5) The area is located in a county having a population of more



1 than two hundred **fifty** thousand (~~200,000~~) **(250,000)** but less than
2 **three two** hundred **seventy** thousand (~~300,000~~): **(270,000)**.

3 (e) For an area located in a county having a population of more than
4 three hundred thousand (300,000) but less than four hundred thousand
5 (400,000), an advisory commission may adopt a resolution designating
6 a particular area as a district only after finding all of the following:

7 (1) The area contains a building or buildings:

8 (A) with at least eight hundred thousand (800,000) gross square
9 feet; and

10 (B) having leasable floor space, at least fifty percent (50%) of
11 which is or will become vacant.

12 (2) There are significant obstacles to redevelopment of the area
13 due to any of the following problems:

14 (A) Obsolete or inefficient buildings as evidenced by a decline
15 of at least seventy-five percent (75%) in their assessed valuation
16 during the preceding ten (10) years.

17 (B) Transportation or access problems.

18 (C) Environmental contamination.

19 (3) At least four hundred (400) fewer persons are employed in the
20 area than were employed in the area during the year that is fifteen
21 (15) years previous to the current year.

22 (4) The area has been designated as an economic development
23 target area under IC 6-1.1-12.1-7.

24 (5) The unit has appropriated, pooled, set aside, or pledged at least
25 two hundred fifty thousand dollars (\$250,000) for purposes of
26 addressing the redevelopment obstacles described in subdivision
27 (2).

28 (6) The area is located in a county having a population of more
29 than three hundred thousand (300,000) but less than four hundred
30 thousand (400,000).

31 (f) The advisory commission, or the county or municipal legislative
32 body, in the case of a district designated under section 10.5 of this
33 chapter, shall designate the duration of the district. However, a district
34 must terminate not later than fifteen (15) years after the income tax
35 incremental amount or gross retail incremental amount is first allocated
36 to the district.

37 (g) Upon adoption of a resolution designating a district, the advisory
38 commission shall:

39 (1) publish notice of the adoption and substance of the resolution
40 in accordance with IC 5-3-1; and

41 (2) file the following information with each taxing unit in the
42 county where the district is located:

43 (A) A copy of the notice required by subdivision (1).

44 (B) A statement disclosing the impact of the district, including
45 the following:

46 (i) The estimated economic benefits and costs incurred by the



1 district, as measured by increased employment and anticipated
2 growth of property assessed values.

3 (ii) The anticipated impact on tax revenues of each taxing unit.
4 The notice must state the general boundaries of the district.

5 (h) Upon completion of the actions required by subsection (g), the
6 advisory commission shall submit the resolution to the budget
7 committee for review and recommendation to the budget agency. If the
8 budget agency fails to take action on a resolution designating a district
9 within one hundred twenty (120) days after the date that the resolution
10 is submitted to the budget committee, the designation of the district by
11 the resolution is considered approved.

12 (i) When considering a resolution, the budget committee and the
13 budget agency must make the following findings:

14 (1) The area to be designated as a district meets the conditions
15 necessary for designation as a district.

16 (2) The designation of the district will benefit the people of Indiana
17 by protecting or increasing state and local tax bases and tax
18 revenues for at least the duration of the district.

19 (j) The income tax incremental amount and the gross retail
20 incremental amount may not be allocated to the district until the
21 resolution is approved under this section.

22 SECTION 206. IC 36-7-14-15.5, AS AMENDED BY P.L.203-2011,
23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 APRIL 1, 2012]: Sec. 15.5. (a) This section applies to a county having
25 a population of more than two hundred **fifty** thousand ~~(200,000)~~
26 **(250,000)** but less than ~~three two~~ hundred **seventy** thousand ~~(300,000)~~.
27 **(270,000)**.

28 (b) In adopting a declaratory resolution under section 15 of this
29 chapter, a redevelopment commission may include a provision stating
30 that the redevelopment project area is considered to include one (1) or
31 more additional areas outside the boundaries of the redevelopment
32 project area if the redevelopment commission makes the following
33 findings and the requirements of subsection (c) are met:

34 (1) One (1) or more taxpayers presently located within the
35 boundaries of the redevelopment project area are expected within
36 one (1) year to relocate all or part of their operations outside the
37 boundaries of the redevelopment project area and have expressed
38 an interest in relocating all or part of their operations within the
39 boundaries of an additional area.

40 (2) The relocation described in subdivision (1) will contribute to
41 the continuation of the conditions described in IC 36-7-1-3 in the
42 redevelopment project area.

43 (3) For purposes of this section, it will be of public utility and
44 benefit to include the additional areas as part of the redevelopment
45 project area.

46 (c) Each additional area must be designated by the redevelopment



1 commission as a redevelopment project area or an economic
2 development area under this chapter.

3 (d) Notwithstanding section 3 of this chapter, the additional areas
4 shall be considered to be a part of the redevelopment special taxing
5 district under the jurisdiction of the redevelopment commission. Any
6 excess property taxes that the commission has determined may be paid
7 to taxing units under section 39(b)(4) of this chapter shall be paid to
8 the taxing units from which the excess property taxes were derived. All
9 powers of the redevelopment commission authorized under this chapter
10 may be exercised by the redevelopment commission in additional areas
11 under its jurisdiction.

12 (e) The declaratory resolution must include a statement of the general
13 boundaries of each additional area. However, it is sufficient to describe
14 those boundaries by location in relation to public ways, streams, or
15 otherwise, as determined by the commissioners.

16 (f) The declaratory resolution may include a provision with respect
17 to the allocation and distribution of property taxes with respect to one
18 (1) or more of the additional areas in the manner provided in section 39
19 of this chapter. If the redevelopment commission includes such a
20 provision in the resolution, allocation areas in the redevelopment
21 project area and in the additional areas considered to be part of the
22 redevelopment project area shall be considered a single allocation area
23 for purposes of this chapter.

24 (g) The additional areas must be located within the same county as
25 the redevelopment project area but are not otherwise required to be
26 within the jurisdiction of the redevelopment commission, if the
27 redevelopment commission obtains the consent by ordinance of:

28 (1) the county legislative body, for each additional area located
29 within the unincorporated part of the county; or

30 (2) the legislative body of the city or town affected, for each
31 additional area located within a city or town.

32 In granting its consent, the legislative body shall approve the plan of
33 development or redevelopment relating to the additional area.

34 (h) A declaratory resolution previously adopted may be amended to
35 include a provision to include additional areas as set forth in this
36 section and an allocation provision under section 39 of this chapter
37 with respect to one (1) or more of the additional areas in accordance
38 with sections 15, 16, and 17 of this chapter.

39 (i) The redevelopment commission may amend the allocation
40 provision of a declaratory resolution in accordance with sections 15,
41 16, and 17 of this chapter to change the assessment date that
42 determines the base assessed value of property in the allocation area to
43 any assessment date following the effective date of the allocation
44 provision of the declaratory resolution. Such a change may relate to the
45 assessment date that determines the base assessed value of that portion
46 of the allocation area that is located in the redevelopment project area



1 alone, that portion of the allocation area that is located in an additional
2 area alone, or the entire allocation area.

3 SECTION 207. IC 36-7-14-39.2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 39.2. (a) This section
5 applies to a county having a population of more than two hundred **fifty**
6 thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy**
7 thousand ~~(300,000)~~ **(270,000)**.

8 (b) As used in this section, "designated taxpayer" means any taxpayer
9 designated by the commission in a declaratory resolution adopted or
10 amended under section 15 or 17.5 of this chapter and with respect to
11 which the commission finds that taxes to be derived from the taxpayer's
12 depreciable personal property in the allocation area, in excess of the
13 taxes attributable to the base assessed value of that personal property,
14 are reasonably expected to exceed in one (1) or more future years the
15 taxes to be derived from the taxpayer's real property in the allocation
16 area in excess of the taxes attributable to the base assessed value of that
17 real property.

18 (c) The allocation provision of a declaratory resolution may modify
19 the definition of "property taxes" under section 39(a) of this chapter to
20 include taxes imposed under IC 6-1.1 on the depreciable personal
21 property of designated taxpayers, in accordance with the procedures
22 and limitations set forth in this section and section 39 of this chapter.
23 If such a modification is included in the resolution for purposes of
24 section 39 of this chapter, the term "base assessed value" with respect
25 to the depreciable personal property of designated taxpayers means the
26 net assessed value of all the depreciable personal property as finally
27 determined for the assessment date immediately preceding:

28 (1) the effective date of the modification, for modifications adopted
29 before July 1, 1995; and

30 (2) the adoption date of the modification for modifications adopted
31 after June 30, 1995;

32 as adjusted under section 39(h) of this chapter.

33 SECTION 208. IC 36-7-26-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
35 to the following:

36 (1) A city having a population of more than ~~seventy-five~~ **eighty**
37 thousand ~~(75,000)~~ **five hundred (80,500)** but less than ~~ninety one~~
38 **hundred** thousand ~~(90,000)~~ **(100,000)**.

39 (2) A city having a population of more than one hundred ~~five~~
40 thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty~~ **ten**
41 thousand ~~(120,000)~~ **(110,000)**.

42 (3) A city having a population of more than one hundred fifty
43 thousand (150,000) but less than five hundred thousand (500,000).

44 (4) A city having a population of more than one hundred ~~twenty~~
45 **ten** thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty
46 thousand (150,000).



SECTION 209. IC 36-7-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to the following units:

(1) A city having a population of more than ~~seven eight~~ thousand ~~(7,000)~~ **seven hundred (8,700)** but less than ~~seven nine~~ thousand ~~three hundred (7,300)~~: **(9,000)**.

(2) A county having a population of more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~: **(175,000)**.

SECTION 210. IC 36-7-31.3-8, AS AMENDED BY P.L.182-2009(ss), SECTION 510, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) A designating body may designate as part of a professional sports and convention development area any facility that is:

(1) owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used by a professional sports franchise for practice or competitive sporting events;

(2) owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of the following:

(A) A facility used principally for convention or tourism related events serving national or regional markets.

(B) An airport.

(C) A museum.

(D) A zoo.

(E) A facility used for public attractions of national significance.

(F) A performing arts venue.

(G) A county courthouse registered on the National Register of Historic Places; or

(3) a hotel.

Notwithstanding section 9 of this chapter or any other law, a designating body may by resolution approve the expansion of a professional sports and convention development area after June 30, 2009, to include a hotel designated by the designating body. A resolution for such an expansion must be reviewed by the budget committee and approved by the budget agency in the same manner as a resolution establishing a professional sports and convention development area is reviewed and approved. A facility may not include a private golf course or related improvements. The tax area may include only facilities described in this section and any parcel of land on which a facility is located. An area may contain noncontiguous tracts of land within the city, county, or school corporation.

(b) Except for a tax area that is located in a city having a population of:

(1) more than one hundred fifty thousand (150,000) but less than



1 five hundred thousand (500,000); or

2 (2) more than ~~ninety~~ **eighty** thousand (~~90,000~~) (**80,000**) but less
3 than ~~one hundred five~~ **eighty** thousand (~~105,000~~); **four hundred**
4 (**80,400**);

5 a tax area must include at least one (1) facility described in subsection
6 (a)(1).

7 (c) A tax area may contain other facilities not owned by the
8 designating body if:

9 (1) the facility is owned by a city, the county, a school corporation,
10 or a board established under IC 36-9-13, IC 36-10-8, IC 36-10-10,
11 or IC 36-10-11; and

12 (2) an agreement exists between the designating body and the
13 owner of the facility specifying the distribution and uses of the
14 covered taxes to be allocated under this chapter.

15 (d) This subsection applies to all tax areas located in a county having
16 a population of more than three hundred thousand (300,000) but less
17 than four hundred thousand (400,000). The facilities located at an
18 Indiana University-Purdue University regional campus are added to the
19 tax area designated by the county. The maximum amount of covered
20 taxes that may be captured in all tax areas located in the county is three
21 million dollars (\$3,000,000) per year, regardless of the designating
22 body that established the tax area. The county option income taxes
23 imposed under IC 6-3.5 that are captured must be counted first toward
24 this maximum.

25 SECTION 211. IC 36-7-31.3-9, AS AMENDED BY P.L.172-2011,
26 SECTION 157, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) A tax area must be initially
28 established by resolution:

29 (1) except as provided in subdivision (2) before July 1, 1999; or

30 (2) before January 1, 2013, in the case of:

31 (A) a second class city;

32 (B) the city of Marion; or

33 (C) the city of Westfield;

34 according to the procedures set forth for the establishment of an
35 economic development area under IC 36-7-14. Before May 15, 2005,
36 a tax area established before January 1, 2005, may be changed or the
37 terms governing the tax area revised in the same manner as the
38 establishment of the initial tax area. After May 14, 2005, a tax area
39 established before January 1, 2005, may not be changed and the terms
40 governing a tax area may not be revised. Only one (1) tax area may be
41 created in each county.

42 (b) In establishing the tax area, the designating body must make the
43 following findings instead of the findings required for the
44 establishment of economic development areas:

45 (1) Except for a tax area in a city having a population of:

46 (A) more than one hundred fifty thousand (150,000) but less



1 than five hundred thousand (500,000); or
 2 (B) more than ~~ninety~~ **eighty** thousand (~~90,000~~) **(80,000)** but less
 3 than ~~one hundred five~~ **eighty** thousand (~~105,000~~); **four hundred**
 4 **(80,400)**;

5 there is a capital improvement that will be undertaken or has been
 6 undertaken in the tax area for a facility that is used by a
 7 professional sports franchise for practice or competitive sporting
 8 events. A tax area to which this subdivision applies may also
 9 include a capital improvement that will be undertaken or has been
 10 undertaken in the tax area for a facility that is used for any purpose
 11 specified in section 8(a)(2) of this chapter.

12 (2) For a tax area in a city having a population of more than one
 13 hundred fifty thousand (150,000) but less than five hundred
 14 thousand (500,000), there is a capital improvement that will be
 15 undertaken or has been undertaken in the tax area for a facility that
 16 is used for any purpose specified in section 8(a) of this chapter.

17 (3) For a tax area in a city having a population of more than ~~ninety~~
 18 **eighty** thousand (~~90,000~~) **(80,000)** but less than ~~one hundred five~~
 19 **eighty** thousand (~~105,000~~); **four hundred (80,400)**, there is a
 20 capital improvement that will be undertaken or has been
 21 undertaken in the tax area for a facility that is used for any purpose
 22 specified in section 8(a)(2) of this chapter.

23 (4) The capital improvement that will be undertaken or that has
 24 been undertaken in the tax area will benefit the public health and
 25 welfare and will be of public utility and benefit.

26 (5) The capital improvement that will be undertaken or that has
 27 been undertaken in the tax area will protect or increase state and
 28 local tax bases and tax revenues.

29 (c) The tax area established under this chapter is a special taxing
 30 district authorized by the general assembly to enable the designating
 31 body to provide special benefits to taxpayers in the tax area by
 32 promoting economic development that is of public use and benefit.

33 SECTION 212. IC 36-7-31.3-10, AS AMENDED BY
 34 P.L.182-2009(ss), SECTION 511, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 10. (a) A tax area must
 36 be established by resolution. A resolution establishing a tax area must
 37 provide for the allocation of covered taxes attributable to a taxable
 38 event or covered taxes earned in the tax area to the professional sports
 39 and convention development area fund established for the city or
 40 county. The allocation provision must apply to the entire tax area.
 41 However, for all tax areas located in a county having a population of
 42 more than three hundred thousand (300,000) but less than four hundred
 43 thousand (400,000), the allocation each year must be as follows:

44 (1) The first two million six hundred thousand dollars (\$2,600,000)
 45 shall be transferred to the county treasurer for deposit in the
 46 supplemental coliseum improvement fund.



(2) The remaining amount shall be transferred to the treasurer of the joint county-city capital improvement board in the county. The resolution must provide the tax area terminates not later than December 31, 2027.

(b) In addition to subsection (a), all of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) For a tax area that is:

(1) not located in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and

(2) not located in a city having a population of more than one hundred ~~five thousand~~ ~~(105,000)~~ **and (100,000)** but less than one hundred ~~twenty ten thousand~~ ~~(120,000)~~; **(110,000)**;

the total amount of state revenue captured by the tax area may not exceed five dollars (\$5) per resident of the city or county per year for twenty (20) consecutive years.

(d) For a tax area that is located in a city having a population of more than one hundred ~~five thousand~~ ~~(105,000)~~ **and (100,000)** but less than one hundred ~~twenty ten thousand~~ ~~(120,000)~~; **(110,000)**, the total amount of state revenue captured by the tax area may not exceed six dollars and fifty cents (\$6.50) per resident of the city per year for twenty (20) consecutive years.

(e) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(f) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 213. IC 36-7-31.3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. The resolution establishing the tax area must designate the use of the funds. The funds are to be used only for the following:

(1) Except in a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than ~~ninety eighty thousand~~ ~~(90,000)~~ **(80,000)** but less than ~~one hundred five eighty thousand~~ ~~(105,000)~~; **four hundred (80,400)**;

a capital improvement that will construct or equip a facility owned by the city, the county, a school corporation, or a board under



IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used by a professional sports franchise for practice or competitive sporting events. In a tax area to which this subdivision applies, funds may also be used for a capital improvement that will construct or equip a facility owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a)(2) of this chapter.

(2) In a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), a capital improvement that will construct or equip a facility owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a) of this chapter.

(3) In a city having a population of more than ~~ninety eighty~~ thousand (~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand (~~105,000~~); **four hundred (80,400)**, a capital improvement that will construct or equip a facility owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a)(1) or 8(a)(2) of this chapter.

(4) The financing or refinancing of a capital improvement described in subdivision (1), (2), or (3) or the payment of lease payments for a capital improvement described in subdivision (1), (2), or (3).

SECTION 214. IC 36-7.5-1-4, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. "Airport development authority" refers to an airport development authority established under IC 8-22-3.7 in a city having a population of more than ~~ninety eighty~~ thousand (~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand (~~105,000~~); **four hundred (80,400)**.

SECTION 215. IC 36-7.5-1-11, AS AMENDED BY P.L.47-2006, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. "Eligible county" refers to the following counties:

(1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred ~~forty-five fifty~~ thousand (~~145,000~~) **(150,000)** but less than one hundred ~~forty-eight seventy~~ thousand (~~148,000~~); **(170,000)**.

(3) A county having a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) **(111,000)** but less than one hundred fifteen thousand (115,000), if:

(A) the fiscal body of the county has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the



development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

SECTION 216. IC 36-7.5-2-3, AS AMENDED BY P.L.182-2009(ss), SECTION 423, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) Except as provided in subsections (e), (f), and (h), the development board is composed of the following seven (7) members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)**.

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the



second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**) but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance before September 15, 2006, providing that the county is joining the development authority and the fiscal body of a city that is located in the county and that has a population of more than ~~thirty-two~~ **thirty-one** thousand ~~eight hundred~~ (~~32,800~~) (**31,000**) but less than ~~thirty-three~~ **thirty-one** thousand (~~33,000~~) **five hundred** (**31,500**) adopts an ordinance before September 15, 2006, providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

(1) the development board shall be composed of nine (9) members rather than seven (7) members; and

(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.



(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

(h) Subsection (i) applies only to municipalities located in a county that:

(1) has a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)**; and

(2) was a member of the development authority on January 1, 2009, and subsequently ceases to be a member of the development authority.

(i) If the fiscal bodies of at least two (2) municipalities subject to this subsection adopt ordinances to become members of the development authority, those municipalities shall become members of the development authority. If two (2) or more municipalities become members of the development authority under this subsection, the fiscal bodies of the municipalities that become members of the development authority shall jointly appoint one (1) member of the development board who shall serve in place of the member described in subsection (b)(3). A municipality that becomes a member of the development authority under this subsection is considered an eligible municipality for purposes of this article.

SECTION 217. IC 36-7.5-4-2, AS AMENDED BY P.L.182-2009(ss), SECTION 426, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), beginning in 2006 the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. However, if a county having a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of county economic development income tax transferred under IC 6-3.5-7-13.1(b)(4) is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the



1 county is joining the development authority;

2 (2) the fiscal body of the city described in IC 36-7.5-2-3(e) has
3 adopted an ordinance under IC 36-7.5-2-3(e) providing that the
4 city is joining the development authority; and

5 (3) the county described in IC 36-7.5-2-3(e) is an eligible county
6 participating in the development authority.

7 Beginning in 2007, the fiscal officer of the county described in
8 IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five
9 thousand dollars (\$2,625,000) each year to the development authority
10 for deposit in the development authority fund established under section
11 1 of this chapter. Beginning in 2007, the fiscal officer of the city
12 described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five
13 thousand dollars (\$875,000) each year to the development authority for
14 deposit in the development authority fund established under section 1
15 of this chapter.

16 (c) The following apply to the transfers required by subsections (a)
17 and (b):

18 (1) Except for transfers of money described in subdivision (4)(D),
19 the transfers shall be made without appropriation by the city or
20 county fiscal body or approval by any other entity.

21 (2) Except as provided in subdivision (3), after December 31,
22 2005, each fiscal officer shall transfer eight hundred seventy-five
23 thousand dollars (\$875,000) to the development authority fund
24 before the last business day of January, April, July, and October of
25 each year. Food and beverage tax revenue deposited in the fund
26 under IC 6-9-36-8 is in addition to the transfers required by this
27 section.

28 (3) After December 31, 2006, the fiscal officer of the county
29 described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six
30 thousand two hundred fifty dollars (\$656,250) to the development
31 authority fund before the last business day of January, April, July,
32 and October of each year. The county is not required to make any
33 payments or transfers to the development authority covering any
34 time before January 1, 2007. The fiscal officer of a city described
35 in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand
36 seven hundred fifty dollars (\$218,750) to the development
37 authority fund before the last business day of January, April, July,
38 and October of each year. The city is not required to make any
39 payments or transfers to the development authority covering any
40 time before January 1, 2007.

41 (4) The transfers shall be made from one (1) or more of the
42 following:

43 (A) Riverboat admissions tax revenue received by the city or
44 county, riverboat wagering tax revenue received by the city or
45 county, or riverboat incentive payments received from a
46 riverboat licensee by the city or county.



(B) Any county economic development income tax revenue received under IC 6-3.5-7 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

SECTION 218. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement



department is considered active service under this chapter; and
 (8) except as otherwise provided, a full-time police officer who is
 hired or rehired after the effective date of the consolidation by a
 consolidated law enforcement department established under
 IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 219. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) Except as provided in
 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline
 statewide physical and mental examinations required under section 19
 of this chapter shall be a member of the 1977 fund and is not a member
 of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977,
 who is hired or rehired after April 30, 1977, may receive credit under
 this chapter for service as a police officer or firefighter prior to entry
 into the 1977 fund if the employer who rehires the police officer or
 firefighter chooses to contribute to the 1977 fund the amount necessary
 to amortize the police officer's or firefighter's prior service liability over
 a period of not more than forty (40) years, the amount and the period
 to be determined by the PERF board. If the employer chooses to make
 the contributions, the police officer or firefighter is entitled to receive
 credit for the police officer's or firefighter's prior years of service
 without making contributions to the 1977 fund for that prior service. In
 no event may a police officer or firefighter receive credit for prior years
 of service if the police officer or firefighter is receiving a benefit or is
 entitled to receive a benefit in the future from any other public pension
 plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer
 or firefighter is entitled to credit for all years of service after April 30,
 1977, with the police or fire department of an employer covered by this
 chapter.

(d) A police officer or firefighter with twenty (20) years of service
 does not become a member of the 1977 fund and is not covered by this
 chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
 of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the
 1977 fund and is not covered by this chapter if the police officer or
 firefighter:

(1) was hired before May 1, 1977;



(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction; shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or



third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

SECTION 220. IC 36-8-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) The state examiner of the state board of accounts shall fix the exact amount per



meal that the sheriff of each county receives for feeding the prisoners in the sheriff's custody. Subject to the maximum meal allowance provided in this section, the state examiner shall increase the amount per meal that a sheriff receives as follows:

(1) Increase the amount per meal by a percentage that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the year preceding the year in which an increase is established.

(2) Increase the amount per meal above the amount determined under subdivision (1) if the sheriff furnishes to the state examiner sufficient documentation to prove that the sheriff cannot provide meals at the amount per meal that is determined under subdivision

(1).

The amount must be fixed by April 15 each year and takes effect immediately upon approval. The allowance may not exceed two dollars (\$2) per person per meal. The allowance shall be paid out of the general fund of the county after the sheriff submits to the county executive an itemized statement, under oath, showing the names of the prisoners, the date that each was imprisoned in the county jail, and the number of meals served to each prisoner.

(b) Notwithstanding subsection (a), IC 36-2-13-2.5(b)(4) through IC 36-2-13-2.5(b)(5), and IC 36-2-13-2.8(b), this subsection applies to a county having a population of:

(1) more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~; **(185,000)**; or

(2) more than three hundred thousand (300,000).

A county shall feed the county prisoners through an appropriation in the usual manner by the county fiscal body. The appropriation shall be expended by the sheriff under the direction of the county executive. If a county has a population of less than four hundred thousand (400,000), an accounting of the expenditures must be filed monthly with the county auditor by the fifth day of the month following the expenditure. If a county has a population of four hundred thousand (400,000) or more, an accounting of the expenditures must be filed with the county auditor on the first Monday of January and the first Monday of July of each year. Neither the sheriff nor the sheriff's officers, deputies, and employees may make a profit as a result of the appropriation.

SECTION 221. IC 36-8-15-1, AS AMENDED BY P.L.195-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to ~~a county that has:~~ **the following counties:**

(1) **A county having** a consolidated city.

(2) **A county having** a population of more than one hundred ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ **(182,790)**



1 (185,000) but less than two hundred **fifty** thousand ~~(200,000); or~~
 2 ~~(250,000).~~

3 (3) ~~adopted~~ **A county that adopts** an ordinance providing for the
 4 county to be governed by this chapter.

5 However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to
 6 a county having a consolidated city.

7 SECTION 222. IC 36-8-15-19, AS AMENDED BY
 8 P.L.182-2009(ss), SECTION 440, IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 19. (a) This subsection
 10 applies to a county that has a population of more than one hundred
 11 ~~eighty-two~~ **eighty-five** thousand ~~seven hundred ninety~~ ~~(182,790)~~
 12 ~~(185,000)~~ but less than two hundred **fifty** thousand ~~(200,000);~~
 13 ~~(250,000).~~ For the purpose of raising money to fund the operation of
 14 the district, the county fiscal body may impose, for property taxes first
 15 due and payable during each year after the adoption of an ordinance
 16 establishing the district, an ad valorem property tax levy on property
 17 within the district. The property tax rate for that levy may not exceed
 18 five cents (\$0.05) on each one hundred dollars (\$100) of assessed
 19 valuation.

20 (b) This subsection applies to a county having a consolidated city.
 21 The county fiscal body may elect to fund the operation of the district
 22 from part of the certified distribution, if any, that the county is to
 23 receive during a particular calendar year under IC 6-3.5-6-17. To make
 24 such an election, the county fiscal body must adopt an ordinance before
 25 September 1 of the immediately preceding calendar year. The county
 26 fiscal body must specify in the ordinance the amount of the certified
 27 distribution that is to be used to fund the operation of the district. If the
 28 county fiscal body adopts such an ordinance, it shall immediately send
 29 a copy of the ordinance to the county auditor.

30 (c) Subject to subsections (d), (e), and (f), if an ordinance or
 31 resolution is adopted changing the territory covered by the district or
 32 the number of public agencies served by the district, the department of
 33 local government finance shall, for property taxes first due and payable
 34 during the year after the adoption of the ordinance, adjust the
 35 maximum permissible ad valorem property tax levy limits of the
 36 district and the units participating in the district.

37 (d) If a unit by ordinance or resolution joins the district or elects to
 38 have its public safety agencies served by the district, the department of
 39 local government finance shall reduce the maximum permissible ad
 40 valorem property tax levy of the unit for property taxes first due and
 41 payable during the year after the adoption of the ordinance or
 42 resolution. The reduction shall be based on the amount budgeted by the
 43 unit for public safety communication services in the year in which the
 44 ordinance was adopted. If such an ordinance or resolution is adopted,
 45 the district shall refer its proposed budget, ad valorem property tax
 46 levy, and property tax rate for the following year to the department of



1 local government finance, which shall review and set the budget, levy,
2 and rate as though the district were covered by IC 6-1.1-18.5-7.

3 (e) If a unit by ordinance or resolution withdraws from the district or
4 rescinds its election to have its public safety agencies served by the
5 district, the department of local government finance shall reduce the
6 maximum permissible ad valorem property tax levy of the district for
7 property taxes first due and payable during the year after the adoption
8 of the ordinance or resolution. The reduction shall be based on the
9 amounts being levied by the district within that unit. If such an
10 ordinance or resolution is adopted, the unit shall refer its proposed
11 budget, ad valorem property tax levy, and property tax rate for public
12 safety communication services to the department of local government
13 finance, which shall review and set the budget, levy, and rate as though
14 the unit were covered by IC 6-1.1-18.5-7.

15 (f) The adjustments provided for in subsections (c), (d), and (e) do
16 not apply to a district or unit located in a particular county if the county
17 fiscal body of that county does not impose an ad valorem property tax
18 levy under subsection (a) to fund the operation of the district.

19 (g) A county that has adopted an ordinance under section 1(3) of this
20 chapter may not impose an ad valorem property tax levy on property
21 within the district to fund the operation or implementation of the
22 district.

23 SECTION 223. IC 36-9-2-1, AS AMENDED BY P.L.182-2009(ss),
24 SECTION 444, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all units
26 except townships. However, with respect to a public transportation
27 system, this chapter does not apply after December 31, 2009, to a
28 county that is a member of the northern Indiana regional transportation
29 district established under IC 8-24 and that has a population of:

30 (1) more than four hundred thousand (400,000) but less than seven
31 hundred thousand (700,000); or

32 (2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~
33 **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand
34 ~~(148,000); (170,000);~~

35 or a unit located in such a county.

36 SECTION 224. IC 36-9-3-2, AS AMENDED BY P.L.182-2009(ss),
37 SECTION 445, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) Except as provided in
39 subsection (d), a fiscal body of a county or municipality may, by
40 ordinance, establish a regional transportation authority (referred to as
41 "the authority" in this chapter) for the purpose of acquiring, improving,
42 operating, maintaining, financing, and generally supporting a public
43 transportation system that operates within the boundaries of an area
44 designated as a transportation planning district by the Indiana
45 department of transportation. However, only one (1) public
46 transportation authority may be established within an area designated



as a transportation planning district by the Indiana department of transportation.

(b) The ordinance establishing the authority must include an effective date and a name for the authority. Except as provided in subsection (c), the words "regional transportation authority" must be included in the name of the authority.

(c) After December 31, 2009, this subsection applies if a county is not a member of the northern Indiana regional transportation district established under IC 8-24. The words "regional bus authority" must be included in the name of an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) After December 31, 2009, this subsection applies if a county is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than one hundred ~~forty-five~~ **fifty** thousand (~~145,000~~) **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand (~~148,000~~) **(170,000)**.

In such a county the regional bus authority or regional transportation authority, whichever applies, is abolished effective January 1, 2010. After December 31, 2009, a regional transportation authority may not be established by a fiscal body of such a county or a municipality in such a county.

SECTION 225. IC 36-9-3-3.5, AS ADDED BY P.L.70-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3.5. (a) This section applies to a county with a population of more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) **(111,000)** but less than one hundred fifteen thousand (115,000) and any second class city located in the county.

(b) A county or city described in subsection (a) shall become a member of an authority described in section 5(c) of this chapter if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the authority approves the membership of the county or city.

SECTION 226. IC 36-9-3-5, AS AMENDED BY P.L.182-2009(ss), SECTION 446, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second



- 1 class city in a county in the authority; and
- 2 (4) one (1) member from any other political subdivision that has
- 3 public transportation responsibilities in a county in the authority.
- 4 (b) An authority that includes a consolidated city is under the control
- 5 of a board consisting of the following:
- 6 (1) Two (2) members appointed by the executive of the county
- 7 having the consolidated city.
- 8 (2) One (1) member appointed by the board of commissioners of
- 9 the county having the consolidated city.
- 10 (3) One (1) member appointed by the executive of each other
- 11 county in the authority.
- 12 (4) Two (2) members appointed by the governor from a list of at
- 13 least five (5) names provided by the Indianapolis regional
- 14 transportation council.
- 15 (5) One (1) member representing the four (4) largest municipalities
- 16 in the authority located in a county other than a county containing
- 17 a consolidated city. The member shall be appointed by the
- 18 executives of the municipalities acting jointly.
- 19 (6) One (1) member representing the excluded cities located in a
- 20 county containing a consolidated city that are members of the
- 21 authority. The member shall be appointed by the executives of the
- 22 excluded cities acting jointly.
- 23 (7) One (1) member of a labor organization representing
- 24 employees of the authority who provide public transportation
- 25 services within the geographic jurisdiction of the authority. The
- 26 labor organization shall appoint the member.
- 27 (c) After December 31, 2009, this subsection applies if both a county
- 28 having a population of more than four hundred thousand (400,000) but
- 29 less than seven hundred thousand (700,000) and a county having a
- 30 population of more than one hundred ~~forty-five~~ **fifty** thousand
- 31 ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy**
- 32 ~~thousand (148,000)~~ **(170,000)** are not members of the northern Indiana
- 33 regional transportation district established under IC 8-24. An authority
- 34 that includes a county having a population of more than four hundred
- 35 thousand (400,000) but less than seven hundred thousand (700,000) is
- 36 under the control of a board consisting of the following twenty-one (21)
- 37 members:
- 38 (1) Three (3) members appointed by the executive of a city with a
- 39 population of more than ~~ninety~~ **eighty** thousand ~~(90,000)~~ **(80,000)**
- 40 but less than ~~one hundred five~~ **eighty** thousand ~~(105,000)~~ **four**
- 41 **hundred (80,400).**
- 42 (2) Two (2) members appointed by the executive of a city with a
- 43 population of more than ~~seventy-five~~ **eighty** thousand ~~(75,000)~~ **five**
- 44 **hundred (80,500)** but less than ~~ninety one~~ **one hundred** thousand
- 45 ~~(90,000)~~ **(100,000).**
- 46 (3) One (1) member jointly appointed by the executives of the



following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than ~~five~~ **four** thousand ~~one~~ **nine** hundred ~~thirty-five~~ **(5,135) fifty (4,950)** but less than five thousand ~~two hundred~~ **(5,200): (5,000).**

(B) A city with a population of more than ~~thirty-two~~ **twenty-nine** thousand ~~(32,000) six hundred~~ **(29,600)** but less than ~~thirty-two~~ **twenty-nine** thousand ~~eight~~ **nine** hundred ~~(32,800): (29,900).~~

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than ~~fifteen~~ **sixteen** thousand ~~(15,000) five hundred~~ **(16,500)** but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand ~~(23,000) seven hundred~~ **(23,700)** but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand ~~(23,000): seven~~ **hundred (23,700).**

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than ~~eight~~ **fourteen** thousand ~~(8,000) (14,000)~~ but less than ~~nine~~ **sixteen** thousand ~~(9,000): (16,000).~~

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than ~~twelve~~ **sixteen** thousand ~~five hundred~~ **(12,500) (16,000)** but less than ~~fifteen~~ **sixteen** thousand ~~(15,000): five hundred~~ **(16,500).**

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than ~~nineteen~~ **twenty-five** thousand ~~eight hundred~~ **(19,800) (25,000)** but less than ~~twenty-one~~ **twenty-nine** thousand ~~(21,000): (29,000).~~

(B) The fiscal body of a town with a population of more than ~~nine~~ **ten** thousand ~~(9,000) (10,000)~~ but less than ~~twelve~~ **fourteen** thousand ~~five hundred~~ **(12,500): (14,000).**

(C) The fiscal body of a town with a population of more than five



- 1 thousand (5,000) but less than ~~eight ten~~ thousand (~~8,000~~);
 2 **(10,000).**
- 3 (D) The fiscal body of a town with a population of less than one
 4 thousand five hundred (1,500).
- 5 (E) The fiscal body of a town with a population of more than two
 6 thousand two hundred (2,200) but less than five thousand
 7 (5,000).
- 8 (7) One (1) member appointed by the fiscal body of a town with a
 9 population of more than thirty thousand (30,000) located within a
 10 county with a population of more than four hundred thousand
 11 (400,000) but less than seven hundred thousand (700,000).
- 12 (8) One (1) member who is jointly appointed by the following
 13 authorities of municipalities that are located within a county with
 14 a population of more than four hundred thousand (400,000) but
 15 less than seven hundred thousand (700,000):
- 16 (A) The executive of a city having a population of more than
 17 ~~twenty-five~~ **twenty-nine** thousand (~~25,000~~) **(29,000)** but less
 18 than ~~twenty-seven~~ **twenty-nine** thousand (~~27,000~~); **five hundred**
 19 **(29,500).**
- 20 (B) The executive of a city having a population of more than
 21 ~~thirteen~~ **twelve** thousand ~~nine~~ **five** hundred (~~13,900~~) **(12,500)**
 22 but less than ~~fourteen~~ **twelve** thousand ~~two~~ **seven** hundred
 23 (~~14,200~~); **(12,700).**
- 24 (C) The fiscal body of a town having a population of more than
 25 one thousand five hundred (1,500) but less than two thousand
 26 two hundred (2,200).
- 27 (9) Three (3) members appointed by the fiscal body of a county
 28 with a population of more than four hundred thousand (400,000)
 29 but less than seven hundred thousand (700,000).
- 30 (10) One (1) member appointed by the county executive of a
 31 county with a population of more than four hundred thousand
 32 (400,000) but less than seven hundred thousand (700,000).
- 33 (11) One (1) member of a labor organization representing
 34 employees of the authority who provide public transportation
 35 services within the geographic jurisdiction of the authority. The
 36 labor organization shall appoint the member. If more than one (1)
 37 labor organization represents the employees of the authority, each
 38 organization shall submit one (1) name to the governor, and the
 39 governor shall appoint the member from the list of names
 40 submitted by the organizations.
- 41 (12) The executive of a city with a population of more than
 42 ~~twenty-seven~~ **thirty-one** thousand ~~four~~ **seven** hundred (~~27,400~~)
 43 **twenty-five (31,725)** but less than ~~twenty-eight~~ **thirty-five**
 44 thousand (~~28,000~~); located within a county with a population of
 45 ~~more than one hundred forty-five~~ thousand (~~145,000~~) but less than
 46 ~~one hundred forty-eight~~ thousand (~~148,000~~); **(35,000)**, or the



executive's designee.

(13) The executive of a city with a population of more than ~~thirty-three~~ **thirty-six** thousand ~~(33,000)~~ **eight hundred twenty-five (36,825)** but less than ~~thirty-six~~ **forty** thousand ~~(36,000)~~; located within a county with a population of more than ~~one hundred forty-five~~ **thousand (145,000)** but less than ~~one hundred forty-eight~~ **thousand (148,000)**; **(40,000)**, or the executive's designee.

(14) One (1) member of the board of commissioners of a county, with a population of more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~ **(150,000)** but less than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~; **(170,000)**, appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3.5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 227. IC 36-9-4-1, AS AMENDED BY P.L.182-2009(ss), SECTION 451, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies to all municipalities. However, after December 31, 2009, this chapter does not apply to a municipality if it is located in a county that is a member of the northern Indiana regional transportation district established under IC 8-24 and has a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or



(2) more than one hundred ~~forty-five~~ **fifty** thousand ~~(145,000)~~
(150,000) but less than one hundred ~~forty-eight~~ **seventy** thousand
~~(148,000)~~ **(170,000)**.

SECTION 228. IC 36-9-4-13.5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13.5. (a) This section
 applies to a county having a population of more than two hundred **fifty**
 thousand ~~(200,000)~~ **(250,000)** but less than ~~three two~~ hundred **seventy**
 thousand ~~(300,000)~~ **(270,000)**.

(b) The taxing district of a public transportation corporation under
 this section includes all the territory inside the corporate boundaries of
 the two (2) cities in the county having the largest populations and such
 suburban territory as provided in section 13 of this chapter.

(c) This section applies upon the adoption of substantially identical
 ordinances approving subsection (b) by both:

(1) the public transportation corporation incorporating the
 additional territory; and

(2) the legislative body of the city being added to the taxing district
 of the public transportation corporation.

(d) Whenever the city in the county having the second largest
 population becomes a part of the public transportation corporation,
 then two (2) additional directors representing that city shall be
 appointed to the board of directors of the corporation. The directors
 must be residents of that city and are entitled to all of the rights,
 privileges, powers, and duties of directors under this chapter. The
 executive and the legislative body of that city shall each appoint one
 (1) director. These two (2) directors must not be of the same political
 party. The director appointed by the legislative body shall serve for a
 term of one (1) year, and the director appointed by the executive shall
 serve for a term of two (2) years. Upon the expiration of the respective
 terms, successors shall be appointed in accordance with section 18 of
 this chapter.

(e) If the city in the county having the second largest population
 appropriates money to support the public transportation corporation in
 a particular year, and if the territory of that city subsequently becomes
 a part of the taxing district of the public transportation corporation in
 that year and is subject to a separate property tax levy for transportation
 services, the maximum permissible levy of that city for the year
 following the particular year used to compute the property tax levy
 limit under IC 6-1.1-18.5 is decreased, and the maximum permissible
 levy of the public transportation corporation for the particular year used
 to compute the property tax levy limit under IC 6-1.1-18.5 is increased,
 by an amount equivalent to the current contract amount to be paid by
 that city to the public transportation corporation for transportation
 services provided to that city in the particular year.

(f) The public transportation corporation shall establish a single
 property tax rate applicable to the taxing district of the public



1 transportation corporation, including the territory of the city in the
 2 county having the second largest population that is included in the
 3 public transportation corporation under this section. The initial
 4 permissible levy to be raised by this rate equals the sum of the amount
 5 raised by the levy of the public transportation corporation in the
 6 previous taxable year plus an amount equivalent to the current contract
 7 amount to be paid in the calendar year 1982 by the city in the county
 8 having the second largest population to the public transportation
 9 corporation. The permissible levy for the subsequent years shall be
 10 computed in accordance with IC 6-1.1-18.5.

11 (g) If the city in the county having the second largest population is
 12 excluded from the public transportation corporation in a subsequent
 13 year, and that city is no longer subject to a separate property tax levy
 14 for transportation services, the maximum permissible levy of the public
 15 transportation corporation for that subsequent year used to compute the
 16 property tax levy limit under IC 6-1.1-18.5 is decreased, and the
 17 maximum permissible levy of that city for that subsequent year used to
 18 compute the property tax levy limit under IC 6-1.1-18.5 is increased,
 19 by the amount of the product of the public transportation property tax
 20 rate for that subsequent year multiplied by the assessed value in that
 21 subsequent year of all taxable property in that city that is excluded from
 22 the public transportation corporation.

23 SECTION 229. IC 36-9-14-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) A cumulative
 25 building fund to provide money for the construction, remodeling, and
 26 repair of courthouses may be established by the county legislative body
 27 under IC 6-1.1-41.

28 (b) As used in this section, "courthouse" includes a historical
 29 complex consisting of a former county courthouse, jail, and sheriff's
 30 residence which is open to the general public for educational or
 31 community purposes in a county having a population of more than one
 32 hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) (**175,000**) but less
 33 than one hundred ~~eighty~~ **eighty-five** thousand (~~180,000~~) (**185,000**).

34 SECTION 230. IC 36-9-25-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) This chapter
 36 applies to the following:

37 (1) A second class city located in a county having a population of
 38 more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) (**111,000**)
 39 but less than one hundred fifteen thousand (115,000).

40 (2) Each municipality in a county having a population of more than
 41 four hundred thousand (400,000) but less than seven hundred
 42 thousand (700,000) in which the legislative body has adopted this
 43 chapter by ordinance.

44 (b) This chapter also applies to each second class city not in such a
 45 county in which the legislative body has adopted this chapter by
 46 ordinance.



(c) In addition, in a consolidated city, sections 9 through 38 of this chapter apply to the department of public works and the board of public works, subject to IC 36-3-4-23.

SECTION 231. IC 36-9-25-3, AS AMENDED BY P.L.17-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) A department of public sanitation is established as an executive department of the municipality. However, in the case of a district described in subsection (b)(2), the department is established as an executive department of each municipality in the district.

(b) The department is under the control of a board of sanitary commissioners, which is composed as follows:

(1) If the department is established under section 1(a) of this chapter, the board consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party.

(2) Notwithstanding subdivision (1), if the department is established under section 1(a) of this chapter and the district contains at least one (1) city having a population of less than one hundred thousand (100,000) and at least one (1) town, the board consists of one (1) commissioner from each municipality in the district. The executive of each of those municipalities shall appoint one (1) commissioner. If after all appointments are made the board has fewer than five (5) commissioners, the executive of the municipality with the largest population shall appoint the number of additional commissioners needed to bring the total to five (5). Not more than three (3) of the commissioners may be of the same political party.

(3) If the department is established under section 1(b) of this chapter, the board consists of not less than three (3) commissioners but not more than five (5) commissioners. One (1) commissioner is the city civil engineer. All other commissioners shall be appointed by the city executive. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) of the commissioners may be of the same political party. However, if the department is located in a county having a population of:

(A) more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);

(B) more than one hundred ~~ten~~ **eleven** thousand (~~110,000~~) **(111,000)** but less than one hundred fifteen thousand (115,000);



(C) more than one hundred ~~forty-eight~~ **seventy** thousand ~~(148,000)~~ **(170,000)** but less than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~; **(175,000)**; or

(D) more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000)~~; **(135,000)**;

and the city does not have a city civil engineer, one (1) of the commissioners must be a licensed engineer, appointed by the executive, with at least five (5) years experience in civil or sanitary engineering. In addition, in such a city the commissioners may not hold another public office. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) of the commissioners may be of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

(d) Each commissioner shall also execute a bond in the penal sum of five thousand dollars (\$5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the municipal executive.

(e) The appointed commissioners are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction and not less than six hundred dollars (\$600) a year in other years.

(f) Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

(1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or

(2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

SECTION 232. IC 36-9-25-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to cities in a county having a population of more than one hundred ~~thirty~~ **twenty-five** thousand ~~(130,000)~~ **(125,000)** but less than one hundred ~~forty-five~~ **thirty-five** thousand ~~(145,000)~~; **(135,000)**.

(b) The ordinance adopting this chapter must specify the purpose or purposes for which the district is established, which must be one (1) or



1 more of the following:

- 2 (1) To provide for the collection, treatment, and disposal of
- 3 sanitary sewage and other water-carried wastes of the district.
- 4 (2) To provide for the drainage of storm and surface water to
- 5 relieve sanitary sewers of that water.
- 6 (3) To reduce the pollution of watercourses in the district.
- 7 (4) To provide for the collection and disposal of trash, garbage, and
- 8 solid waste.

9 If not all of these purposes are listed in the ordinance, one (1) or more
10 of the remaining purposes may, by subsequent ordinance, be added to
11 the purposes of the district.

12 (c) After adoption of the ordinance, three (3) interim members of the
13 board shall be appointed for terms until the January 1 following the
14 adoption. On the January 1 following the adoption, members shall be
15 appointed as provided in sections 3 and 4 of this chapter.

16 (d) Bonds of the district may not be sold without the prior approval
17 of the city legislative body. In addition, the legislative body must
18 approve all budgets and tax levies of the district.

19 SECTION 233. IC 36-9-25-39 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 39. (a) This section
21 applies only to departments in a county having a population of:

- 22 (1) more than four hundred thousand (400,000) but less than seven
- 23 hundred thousand (700,000); or
- 24 (2) more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but
- 25 less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~.
- 26 **(270,000).**

27 (b) The board may secure temporary loans in anticipation of revenues
28 of the district actually levied and in the course of collection for the
29 fiscal year in which loans are made. The loans must be authorized by
30 a resolution of the board, and the securities evidencing them shall be
31 issued and sold in the same manner as tax anticipation warrants by
32 second class cities in anticipation of property tax revenues as provided
33 in IC 36-4-6-20. The temporary loans shall be evidenced by time
34 warrants of the district in terms designating the nature of the
35 consideration, the time or times payable, the funds and revenues in
36 anticipation of which the warrants are issued and out of which they are
37 payable, and the place where they are payable upon presentation on or
38 after the date of maturity. The interest accruing on the warrants to date
39 of maturity shall be included in their face value. The resolution
40 authorizing the issue of the temporary loans must appropriate and
41 pledge a sufficient amount of the current revenues in anticipation of
42 which the warrants are issued for their payment.

43 SECTION 234. IC 36-9-30-21 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 21. (a) Except as
45 provided in subsection (l), the fiscal body of the unit owning, operating,
46 and maintaining facilities for the collection or disposal of solid waste



1 may, by ordinance, establish and maintain just and equitable fees for
2 the use of and the service rendered by the facilities.

3 (b) Except as provided in subsection (m), if the fiscal body of a unit
4 has authorized the issuance of revenue bonds under this chapter, it
5 shall, as long as the bonds are outstanding, establish and maintain fees
6 with respect to the facilities for which the bonds are issued.

7 (c) The aggregate amount of the required fees must be sufficient to
8 pay the cost of operation, repair, depreciation, and maintenance of the
9 facilities, and to pay the sums required to be paid into the bond fund
10 under this chapter.

11 (d) The ordinance may provide that the fees are payable:

12 (1) by either the users of the facilities, the owners of the property
13 served by the facilities, or the unit; or

14 (2) by the users, owners, and the unit in the proportions fixed by
15 the ordinance.

16 (e) Revenues collected under this section are considered revenues of
17 the facilities.

18 (f) The fees may not be established until after a public hearing at
19 which the users of the facilities, the owners of property served or to be
20 served by the facilities, and other interested parties have an opportunity
21 to be heard concerning the proposed fees and the provisions concerning
22 payment of the fees.

23 (g) After introduction of the ordinance fixing the fees and providing
24 for their payment, and before the ordinance is finally adopted, notice
25 of the hearing, setting forth the proposed schedule of fees and the
26 provisions concerning payment, shall be published in accordance with
27 IC 5-3-1.

28 (h) After the hearing, which may be adjourned from time to time, the
29 ordinance, as originally introduced or as amended, shall be passed and
30 put into effect. A copy of the schedule of fees established shall be kept
31 on file in the office of the board and in the office of the fiscal officer of
32 the unit. The fee schedule is a public record.

33 (i) The fees or the provisions for their payment may be changed or
34 readjusted in the manner by which they were originally established.
35 However, if the change or readjustment is made substantially pro rata
36 as to all classes of use or service, no hearing or notice is required.

37 (j) If:

38 (1) a user of the facilities; or

39 (2) an owner of property served by the facilities;

40 does not pay a fee within thirty (30) days after it is due, the amount of
41 the fee, together with a penalty of ten percent (10%) and a reasonable
42 attorney's fee, may be recovered by the unit in a civil action in the name
43 of the unit.

44 (k) The unit is subject to the fees established under this chapter. The
45 unit shall pay the fees when due. The payments are considered part of
46 the revenues of the facilities.



(l) This subsection applies to a county having a population of more than ~~fifty~~ **fifty-seven** thousand ~~(50,000)~~ **(57,000)** but less than ~~fifty-five~~ **sixty** thousand ~~(55,000)~~ **(60,000)**. The county executive owning, operating, and maintaining facilities for the collection or disposal of solid waste may, by ordinance, establish and maintain just and equitable fees for the use of and the service rendered by the facilities.

(m) If the fiscal body of a county that is subject to subsection (l) has authorized the issuance of revenue bonds under this chapter, the county executive shall, as long as the bonds are outstanding, establish and maintain fees with respect to the facilities for which the bonds are issued.

SECTION 235. IC 36-10-3-11.5, AS ADDED BY P.L.220-2011, SECTION 684, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.5. (a) This section applies to a ~~the city having a population of more than thirty-five thousand (35,000) but less than thirty-seven thousand (37,000) in a county having a population of more than sixty-four thousand (64,000) but less than sixty-five thousand (65,000):~~ Population references in this subsection are references to population as determined by the ~~1990 decennial census:~~ **of New Albany.**

(b) The operation of city owned buildings or grounds operated as a golf course by a nonprofit corporation before July 1, 1995, without a lease from the city, or under a lease that was not open to public bid to lease the buildings or grounds, is legalized and validated.

SECTION 236. IC 36-10-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is not located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand ~~(170,000)~~ **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand ~~(180,000)~~ **(185,000)**.

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Two (2) commissioners shall be appointed by the city executive, two (2) commissioners shall be appointed by the county executive of the county in which the city is located, and one (1) commissioner shall be appointed by a majority vote of the presidents of the school boards of the school corporations in the county in which the city is located. The commissioners appointed by the county executive must be residents of the area of the district outside the corporate boundaries of the city. The commissioners appointed by the county executive may not be members of the same political party, and the commissioners appointed by the city executive may not be **members** of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) After the initial terms have expired, all of the commissioners after



the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The terms of office of the three (3) commissioners in office at the time of the extension terminate January 1, and the terms of office of the new commissioners begin January 1. The city executive shall appoint one (1) commissioner for an initial term of two (2) years and one (1) for an initial term of four (4) years. The county executive shall appoint two (2) commissioners, one (1) commissioner for an initial term of two (2) years and the other commissioner for an initial term of four (4) years. The presidents of the school boards shall appoint one (1) commissioner for an initial term of four (4) years.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.

SECTION 237. IC 36-10-4-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 6.1. (a) This section applies whenever a district is extended under section 5 of this chapter and such district is located in a county having a population of more than one hundred ~~seventy~~ **seventy-five** thousand (~~170,000~~) **(175,000)** but less than one hundred ~~eighty~~ **eighty-five** thousand (~~180,000~~) **(185,000)**.

(b) After the district is extended under section 5 of this chapter, the board consists of five (5) commissioners. Three (3) commissioners shall be appointed by the city executive, and two (2) commissioners shall be appointed by the county executive of the county in which the city is located. The commissioners appointed by the county executive must be residents of the areas of the district outside the corporate boundaries of the city. No more than two (2) of the three (3) commissioners appointed by the city executive may be members of the same political party, and the commissioners appointed by the county executive may not be **members** of the same political party.

(c) A commissioner of an extended district may hold office for an unlimited number of terms.

(d) All commissioners after the extension of the district shall be appointed for terms of four (4) years, beginning on January 1. The three (3) commissioners whose terms of office have not expired continue in office and are considered appointees of the city executive until the expiration of the four (4) year terms for which they each were originally appointed. The county executive shall appoint two (2) commissioners, one for a term of two (2) years and the other for a term of four (4) years. As the term of each commissioner expires, a new commissioner shall be appointed for a term of four (4) years so that at all times the board consists of three (3) commissioners appointed by the city executive and two (2) commissioners appointed by the county executive.

(e) A vacancy in the office of a commissioner shall be filled for the remainder of the term by the appointing authority.



1 SECTION 238. IC 36-10-5-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section
 3 applies to a municipality that:

4 (1) has a population of more than twenty-five thousand (25,000);
 5 and

6 (2) is located in a county having a population of more than ~~one two~~
 7 hundred ~~eighty seventy~~ thousand (~~180,000~~) **(270,000)** but less than
 8 ~~one three~~ hundred ~~eighty-two~~ thousand ~~seven hundred ninety~~
 9 (~~182,790~~). **(300,000)**.

10 (b) A municipal board consists of four (4) members appointed by the
 11 executive of the municipality. A member shall be appointed on the
 12 basis of the member's interest in and knowledge of parks and
 13 recreation. The members may include the executive of the municipality
 14 and one (1) or more members of the municipal fiscal body. The
 15 ordinance creating a municipal board governed by this section may
 16 provide for one (1) or two (2) ex officio members.

17 SECTION 239. IC 36-10-7-9 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 9. (a) This section
 19 applies to the township having the largest population in a county
 20 having a population of:

21 (1) more than ~~seventy-three~~ ~~seventy~~ thousand (~~73,000~~) **fifty**
 22 **(70,050)** but less than ~~seventy-four~~ ~~seventy-one~~ thousand
 23 (~~74,000~~); **(71,000)**; or

24 (2) more than ~~one two~~ hundred ~~eighty seventy~~ thousand (~~180,000~~)
 25 **(270,000)** but less than ~~one three~~ hundred ~~eighty-two~~ thousand
 26 ~~seven hundred ninety~~ (~~182,790~~). **(300,000)**.

27 (b) Notwithstanding IC 36-10-7.5-5, the department of parks and
 28 recreation of a township described in subsection (a) consists of four (4)
 29 members appointed by the township executive on the basis of the
 30 members' interest in and knowledge of parks and recreation. The
 31 members of a board governed by this section may include any of the
 32 following:

33 (1) The township executive.

34 (2) One (1) or more members of the township board.

35 (3) Any other persons residing in the township.

36 SECTION 240. IC 36-10-10-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 38 to the two (2) cities having the largest populations in a county having
 39 a population of more than two hundred ~~fifty~~ thousand (~~200,000~~)
 40 **(250,000)** but less than ~~three two~~ hundred ~~seventy~~ thousand (~~300,000~~).
 41 **(270,000)**.

42 SECTION 241. IC 36-10-11-1 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. This chapter applies
 44 to a city having a population of more than ~~ninety eighty~~ thousand
 45 (~~90,000~~) **(80,000)** but less than ~~one hundred five eighty~~ thousand
 46 (~~105,000~~). **four hundred (80,400)**.



SECTION 242. IC 36-10-13-4, AS ADDED BY P.L.1-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 4. (a) This section does not apply to a school corporation in a county having a population of more than two hundred **fifty thousand** ~~(200,000)~~ **(250,000)** but less than ~~three two hundred~~ **seventy thousand** ~~(300,000)~~ **(270,000)**.

(b) The governing body of a school corporation may annually appropriate, from the school corporation's general fund, a sum of not more than five-tenths of one cent (\$0.005) on each one hundred dollars (\$100) of assessed valuation in the school corporation to be paid to a historical society, subject to section 6 of this chapter.

SECTION 243. IC 36-10-13-5, AS AMENDED BY P.L.146-2008, SECTION 798, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 5. (a) This section applies only to a school corporation in a county having a population of more than two hundred **fifty thousand** ~~(200,000)~~ **(250,000)** but less than ~~three two hundred~~ **seventy thousand** ~~(300,000)~~ **(270,000)**.

(b) To provide funding for a historical society under this section, the governing body of a school corporation may impose a tax of not more than five-tenths of one cent (\$0.005) on each one hundred dollars (\$100) of assessed valuation in the school corporation.

(c) The school corporation shall deposit the proceeds of the tax in a fund to be known as the historical society fund. The historical society fund is separate and distinct from the school corporation's general fund and may be used only to provide funds for a historical society under this section.

(d) Subject to section 6 of this chapter, the governing body of the school corporation may annually appropriate the money in the fund to be paid in semiannual installments to a historical society having facilities in the county.

SECTION 244. IC 36-10-13-7, AS AMENDED BY P.L.146-2008, SECTION 799, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 7. (a) This section applies to school corporations in a county containing a city having a population of:

(1) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000);

(2) more than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(3) more than ~~ninety eighty~~ thousand ~~(90,000)~~ **(80,000)** but less than ~~one hundred five eighty~~ thousand ~~(105,000)~~ **four hundred (80,400)**.

(4) more than one hundred ~~five~~ thousand ~~(105,000)~~ **(100,000)** but less than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)**;

or

(5) more than ~~seventy-five eighty~~ thousand ~~(75,000)~~ **five hundred**



1 **(80,500)** but less than ~~ninety one hundred thousand (90,000):~~
 2 **(100,000).**

3 (b) To provide funding for an art association under this section, the
 4 governing body of a school corporation may impose a tax of not more
 5 than five-tenths of one cent (\$0.005) on each one hundred dollars
 6 (\$100) of assessed valuation in the school corporation.

7 (c) The school corporation shall deposit the proceeds of the tax
 8 imposed under subsection (b) in a fund to be known as the art
 9 association fund. The art association fund is separate and distinct from
 10 the school corporation's general fund and may be used only to provide
 11 funds for an art association under this section. The governing body of
 12 the school corporation may annually appropriate the money in the fund
 13 to be paid in semiannual installments to an art association having
 14 facilities in a city that is described in subsection (a), subject to
 15 subsection (d).

16 (d) Before an art association may receive payments under this
 17 section, the association's governing board must adopt a resolution that
 18 entitles:

19 (1) the governing body of the school corporation to appoint the
 20 school corporation's superintendent and director of art instruction
 21 as visitors who may attend all meetings of the association's
 22 governing board;

23 (2) the governing body of the school corporation to nominate
 24 individuals for membership on the association's governing board,
 25 with at least two (2) of the nominees to be elected;

26 (3) the school corporation to use the association's facilities and
 27 equipment for educational purposes consistent with the
 28 association's purposes;

29 (4) the students and teachers of the school corporation to tour the
 30 association's museum and galleries free of charge;

31 (5) the school corporation to borrow materials from the association
 32 for temporary exhibit in the schools;

33 (6) the teachers of the school corporation to receive normal
 34 instruction in the fine and applied arts at half the regular rates
 35 charged by the association; and

36 (7) the school corporation to expect exhibits in the association's
 37 museum that will supplement the work of the students and teachers
 38 of the corporation.

39 A copy of the resolution, certified by the president and secretary of the
 40 association, must be filed in the office of the school corporation before
 41 payments may be received.

42 (e) A resolution filed under subsection (d) is not required to be
 43 renewed annually. The resolution continues in effect until rescinded.
 44 An art association that complies with this section is entitled to continue
 45 to receive payments under this section as long as the art association
 46 complies with the resolution.



(f) If more than one (1) art association in a city that is described in subsection (a) qualifies to receive payments under this section, the governing body of the school corporation shall select the one (1) art association best qualified to perform the services described in subsection (d). A school corporation may select only one (1) art association to receive payments under this section.

SECTION 245. IC 36-11-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), the governing body may determine and impose rates and charges of the district based on the following:

- (1) A flat charge for each system.
- (2) Variable charges based on the capacity of a system.
- (3) Other factors that the governing body determines are necessary to establish just and equitable rates and charges.

(b) In:

- (1) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) a county having a population of more than two hundred **fifty** thousand ~~(200,000)~~ **(250,000)** but less than ~~three~~ **two** hundred **seventy** thousand ~~(300,000)~~; **(270,000)**;

rates and charges may be imposed or changed under this chapter only after approval by the county legislative body.

SECTION 246. IC 36-12-1-13, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 13. A township trustee of a township that is:

- (1) located in a county having a population of more than ~~thirty-three~~ **thirty-four** thousand ~~six~~ **three** hundred ~~(33,600)~~ **(34,300)** but less than ~~thirty-three~~ **thirty-five** thousand ~~eight hundred (33,800)~~; **(35,000)**; and
- (2) not served by a public library;

may pay the cost of a library card at the nearest library for a resident of the township upon request of the resident.

SECTION 247. IC 36-12-2-11, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11. (a) This section applies to the appointment of members to the library board of a public library serving a library district that is located in one (1) county and:

- (1) has been established by a county or merged into a county public library;
- (2) results from the merger of a public library into a county public library under IC 36-12-4;
- (3) is located in part or all of two (2) or more townships and is not entirely located within the boundaries of one (1) municipality; or
- (4) is located in part or all of two (2) or more municipalities.

(b) Subject to subsection (c), in a public library described in



subsubsection (a), the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the county in which the library district is located.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located.

(c) This subsection applies to a county containing only two (2) Class 1 public libraries and having a population of more than one hundred ~~thirty~~ **twenty-five** thousand (~~130,000~~) (**125,000**) but less than one hundred ~~forty-five~~ **thirty-five** thousand (~~145,000~~); (**135,000**) or more than one hundred ~~forty-eight~~ **fifty** thousand (~~148,000~~) (**150,000**) but less than one hundred seventy thousand (170,000). In a public library that is the result of a merger occurring after December 31, 1979, between a public library and a county contractual public library, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

(1) One (1) member appointed by the executive of the municipality in which the principal administrative offices of the public library are located.

(2) One (1) member appointed by the legislative body of the municipality in which the principal administrative offices of the public library are located.

SECTION 248. IC 36-12-2-15, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 15. (a) This section applies to the library board of a library district:

(1) located in a county having a population of more than ~~fifty-five~~ **seventy** thousand (~~55,000~~) (**70,000**) but less than ~~sixty-five~~ **seventy** thousand (~~65,000~~); **fifty (70,050)**; and

(2) containing all or part of the territory of each school corporation in the county.

(b) Notwithstanding section 9 of this chapter, the library board has the following members:

(1) One (1) member appointed by the executive of the county in which the library district is located and who is not a member of the county executive.

(2) One (1) member appointed by the fiscal body of the county in which the library district is located and who is not a member of the county fiscal body.

(3) One (1) member appointed by the legislative body of the most populous city in the library district and who is not a member of the city legislative body.

(4) One (1) member appointed by the school board of each school corporation having territory in the library district and who is not a member of a governing body of a school corporation.

(c) An individual who is appointed under subsection (b) to serve as



a member of a library board must, before March 1 of each year, report to the member's appointing authority concerning the work of the library board and finances of the library during the preceding calendar year, including the rate of taxation determined under IC 36-12-3-12.

SECTION 249. IC 36-12-3-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) This section applies to municipal corporations located in a county having a population of more than ~~thirty-six~~ **thirty-five** thousand ~~seventy-five (36,075)~~ **(35,000)** but less than thirty-seven thousand (37,000).

(b) A municipal corporation receiving library service under section 7 of this chapter shall:

(1) levy a tax sufficient to meet the amount of compensation agreed on under the contract; or

(2) make the contract payments with revenue derived from a tax being imposed before the contract is approved by the municipal corporation, including the part of local income tax revenue that is not required to be dedicated to providing property tax relief.

(c) A library board providing service shall expend all funds received under a contract for library services chargeable to the contract.

SECTION 250. IC 36-12-7-8, AS AMENDED BY P.L.1-2010, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 8. (a) As used in this section:

(1) "county fiscal body" means the fiscal body of a county in which a private donation library is located;

(2) "library board" means a library board established under IC 20-14 (before its repeal) or this article in a county in which a private donation library is located; and

(3) "private donation library" means a public library:

(A) established by private donation;

(B) located in a city having a population of more than one hundred ~~twenty ten~~ thousand ~~(120,000)~~ **(110,000)** but less than one hundred fifty thousand (150,000);

(C) that contains at least twenty-five thousand (25,000) volumes;

(D) that has real property valued at at least one hundred thousand dollars (\$100,000); and

(E) that is open and free to the residents of the city.

(b) The library board shall:

(1) levy a tax under IC 6-1.1 in an amount not less than sixty-seven hundredths of one cent (\$0.0067) and not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of the assessed valuation of all the real and personal property in the county;

(2) keep the tax levied under subdivision (1) separate from all other funds of the library board; and

(3) use the tax levied under subdivision (1):



- 1 (A) if the membership of the trustees of the private donation
 2 library includes at least one (1) member or appointee of the
 3 library board and at least one (1) appointee of the county fiscal
 4 body, for distributions of the full amounts of the tax received to
 5 the trustees of the private donation library at the time the tax is
 6 received by the library board; or
 7 (B) if the membership of the trustees of the private donation
 8 library does not include at least one (1) member or appointee of
 9 the library board and at least one (1) appointee of the county
 10 fiscal body, at the discretion of the library board for:
 11 (i) library board purposes; or
 12 (ii) quarterly distributions to the trustees of the private
 13 donation library.
- 14 (c) If requested by the trustees of the private donation library, the
 15 library board shall designate a member of the library board or appoint
 16 an individual to serve as a trustee of the private donation library. If
 17 requested by the trustees of the private donation library, the county
 18 fiscal body shall appoint an individual to serve as a trustee of the
 19 private donation library.
- 20 (d) The trustees of the private donation library shall annually submit
 21 a budget to the library board.
- 22 (e) The trustees of the private donation library shall expend amounts
 23 received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support,
 24 operation, and maintenance of the private donation library. The trustees
 25 shall:
 26 (1) keep the money separate from all other funds;
 27 (2) record:
 28 (A) the amount of money received;
 29 (B) to whom and when the money is paid out; and
 30 (C) for what purpose the money is used;
 31 in a book kept by the trustees; and
 32 (3) make an annual report of the matters referred to in subdivision
 33 (2) to the library board.
- 34 (f) For purposes of the property tax levy limits under IC 6-1.1-18.5,
 35 the tax levied by the library board under subsection (b)(1) is not
 36 included in the calculation of the maximum permissible property tax
 37 levy for the public library.
- 38 **SECTION 251. An emergency is declared for this act.**

